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1 EASTERN INTERIOR REGIONAL SUBSISTENCE  
2 ADVISORY COUNCIL MEETING

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5

VOLUME II

6

7

Circle Hot Springs, Alaska

8

February 26, 2002

9

8:30 o'clock a.m.

10

11

12

13 COUNCIL MEMBERS PRESENT:

14

15 Sue Entsminger

16 Allen Stevens

17 Virgil Umphenour

18 Tricia Waggoner

19 Jim Wilde

20

21 Regional Coordinator, Donald Mike (ACTING CHAIR)

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1 P R O C E E D I N G S

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3 (Circle Hot Springs - 2/26/2002)

4

5 (On record)

6

7 CHAIRMAN MIKE: The meeting is back in  
8 order. I'd like to welcome Jim Wilde and I appreciate  
9 him being a gracious host in his country. I'd like to  
10 brief the agenda items that we went over yesterday for  
11 Jim Wilde's benefit. Yesterday we went over two wildlife  
12 proposals, 42 and 43 and we didn't take any action on  
13 those. We had some subsistence fish and wildlife issues,  
14 we got the reports from FIS. We got agency reports from  
15 Office of Subsistence Management, Council nominations,  
16 statewide rural determinations, Federal/State  
17 coordination. And today we're going to be addressing  
18 wildlife issues. The wildlife proposals, customary trade  
19 and fish and wildlife briefing statements for streamlined  
20 Federal fisheries in-season special actions and Yukon  
21 River protocols, 2001 salmon season summary and the 2002  
22 salmon outlook and the U.S. Canada agreement. We'll go  
23 over the .805 letter. And the resolution that was  
24 drafted from last year's meeting to address by-catch.  
25 That resolution was a resolution developed by the tri-  
26 Council, which is the Eastern Interior, Western Interior  
27 and the YK-Delta Regional Advisory Councils. And then  
28 we'll get into any other business that we may have from  
29 Regional Advisory Council reports, either advisory  
30 committees or any other committees that -- well, the  
31 remaining members that were on committees. And finally,  
32 we'll get into annual reports and we'll get into the  
33 remaining agency reports that we didn't touch on  
34 yesterday.

35

36 So again, I'd like to welcome Jim Wilde  
37 back and I'll give the opportunity for any Council member  
38 if they would like to chair the meeting today. What's  
39 the wish of the Council?

40

41 MR. WILDE: (Nods to Mr. Mike)

42

43 CHAIRMAN MIKE: I've got Jim Wilde who  
44 wants me to continue chairing. Is that okay with the  
45 rest of the Council?

46

47 (Council notes affirmatively)

48

49 CHAIRMAN MIKE: I'll take a motion to  
50 take the proposals that we addressed yesterday.

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1 MR. UMPHENOUR: I move to take Proposal  
2 42 off the table.

3  
4 CHAIRMAN MIKE: It's been moved to take  
5 Proposal 42 off the table.

6  
7 MS. ENTSMINGER: Second.

8  
9 CHAIRMAN MIKE: Second. All those in  
10 favor say aye.

11  
12 IN UNISON: Aye.

13  
14 CHAIRMAN MIKE: Opposed same sign.

15  
16 (No opposing votes)

17  
18 CHAIRMAN MIKE: It's been moved we  
19 address Proposal 42 for discussion. Jim, did you have  
20 any specific questions on Proposal 42. We have Pete  
21 DeMatteo if you have any questions.

22  
23 MR. WILDE: No, I don't. I'm perfectly  
24 happy with the way it's written.

25  
26 MS. WAGGONER: Do we have the revisions  
27 that we made on that proposal yesterday? Was someone  
28 typing that up, changing it to the up to number?

29  
30 MR. DeMATTEO: Yes, I believe Terry  
31 Haynes of the Department of Fish and Game is working on  
32 that and I believe he's got a draft, correct?

33  
34 MR. UMPHENOUR: I move to substitute the  
35 language that Mr. Haynes has for Proposal 42. We'd like  
36 to see what it looks like.

37  
38 MS. ENTSMINGER: I'll second it.

39  
40 MR. UMPHENOUR: Request unanimous  
41 consent.

42  
43 CHAIRMAN MIKE: Unanimous consent's been  
44 requested. Any objections. No objections.

45  
46 MR. HAYNES: Mr. Chairman, we're still  
47 kind of working on this language and it will need some  
48 fine tuning but what we're recommending is that this  
49 replace -- if you look on Page 11 of your Council book,  
50 the preliminary conclusion, it would read Units 20(E) and

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1 25(C), one caribou by joint State and Federal  
2 registration permit only. Up to 900 caribou may be taken  
3 under the combined State and Federal harvest in Unit  
4 20(E) and up to 600 caribou may be taken under the  
5 combined State and Federal harvest in Unit 25(C). That  
6 portion east of the east bank of mainstream Preacher  
7 Creek to its confluence with American Creek, and then  
8 east of the east bank of American Creek. The season  
9 closures will be announced by the Northern Field Office  
10 manager, Bureau of Land Management after consultation  
11 with the National Park Service and the Alaska Department  
12 of Fish and Game. During the winter season, area  
13 closures on hunting -- or area closures or hunting  
14 restrictions may be announced when Nelchina caribou are  
15 present in a mix of, and this is where we're still  
16 working on this language, less than or equal to one  
17 Nelchina to 15 Fortymile caribou, except when the number  
18 of caribou present is low enough that 50 or fewer  
19 Nelchina will be harvested regardless of the mixing  
20 ratios.

21

22 I wish we had this typed up so you could  
23 read it because it's probably a little bit confusing.  
24 But the intent is basically to -- the major changes and  
25 Pete will correct me if I'm wrong, is to have up to  
26 language, rather than specific numbers that can be  
27 harvested. So that a proposal like this doesn't have to  
28 come before the Board every year or every time that there  
29 is -- there are additional caribou that can be harvested.  
30 And then to specify when the Fortymile -- when the hunt  
31 would be closed in 20(E), depending on this mixing of  
32 Nelchina and Fortymile caribou.

33

34 The substance of the proposal is really  
35 covered in what we're proposing here. And I think it  
36 just provides managers with the authority to adjust the  
37 numbers of animals that could be harvested up to a  
38 certain limit and this is all consistent with the  
39 Fortymile Caribou Management Plan and the harvest  
40 objectives that have been laid out.

41

42 MR. DeMATTEO: Members of the Council,  
43 what Mr. Haynes just said is absolutely correct. As the  
44 proposed harvest increases or harvest allocation, as  
45 stated right now, that puts a limit on it. This would  
46 allow more flexibility because if the Board were to adopt  
47 this proposal, this would delegate the authority to the  
48 land manager, be it the BLM in this case, to authorize  
49 the season and also the harvest limit. But if the  
50 Department of Fish and Game were to go to a number higher

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1 than what's stated in the proposed harvest quota  
2 increase, then we'd have to put in a special action to  
3 the Federal Board and go through the regulatory process  
4 in order to change that.

5  
6 And also if the up to 900 would remain  
7 the same for next year, we would not have to go through  
8 another proposal to increase it -- or rather to maintain  
9 that number. because with up to 355, what you see in  
10 there, it'd go to 900 again this year, we'd have to go  
11 through this whole process again. This would just be, if  
12 adopted this year with the revision, would be authorized  
13 for next year, unless the overall quota would be  
14 increased, then we'd have to go back to this and have  
15 another proposal which would allow for even a higher  
16 increase, say up to, whatever, two percent of the total  
17 population.

18  
19 Is that clear as mud for you.

20  
21 CHAIRMAN MIKE: Terry.

22  
23 MR. HAYNES: Mr. Chairman, also, Craig  
24 Gardner, the area biologist said yesterday that this 355  
25 number may not be accurate. That he'll have the actual  
26 -- the determination of the actual number that could be  
27 harvested in 20(E) will be determined this spring prior to  
28 the Federal Board meeting. So even if the Council would  
29 choose to support something like the language in your  
30 book right now, there may be a need to change this 355 --  
31 the Department might come to you at the Board meeting or  
32 come to the Federal Subsistence Board in May and indicate  
33 that our calculations determine that 355 was our best  
34 guess for purposes of this proposal being written, but  
35 based on the information we have now, the number should  
36 be something other than that, maybe higher, maybe lower.  
37 So just so you know that we may have even a different  
38 recommendation for that number.

39  
40 MR. WILDE: Wouldn't it make it simpler  
41 to put a percentile figure in there instead of these  
42 figures all the time?

43  
44 MR. HAYNES: The up to number, those 900  
45 numbers are a percent, but the actual harvest -- we have  
46 to know -- we have to have specific numbers for -- to  
47 apply the regulations to each year so that we know when  
48 to shut the season down and that number is going to -- as  
49 the herd increases, the actual number that are available  
50 for harvest will continue to increase. So the number are

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1 based on percentages.

2

3 MR. WILDE: Yeah, I understand that, but  
4 you have to keep changing the numbers every time a new  
5 season comes along. If you had just a percentile, that'd  
6 cover that automatically, wouldn't it?

7

8 MR. DeMATTEO: I see your point, Jim, but  
9 the problem is in regulations you have to have a specific  
10 number.

11

12 MR. WILDE: Okay.

13

14 CHAIRMAN MIKE: Jay.

15

16 MR. STEVENS: Yes, Mr. Chair. Terry, you  
17 said -- you have to excuse me for being ignorant on  
18 caribou but this is a completely new subject area for me.  
19 How often do you guys monitor those herds in that unit?

20

21 MR. HAYNES: Mr. Chairman, Allen, the  
22 Fortymile caribou are monitored closely every year.  
23 There's close monitoring during the hunting season and  
24 then in the spring, and I might add, that we get support  
25 from the Office of Subsistence Management for some of  
26 this monitoring work that's done for the Fortymile  
27 Nelchina Herds. So we have -- when the Fortymile caribou  
28 planning process began a number of years ago, in order to  
29 see how we're proceeding with that, we have to have good  
30 information each year so we put in a lot of time and  
31 effort into tracking the herd so we feel like we have a  
32 pretty good handle on what's going on with the Fortymile  
33 caribou.

34

35 MR. UMPHENOUR: I'm going to support the  
36 amendment for a number of reasons.

37

38 The first reason, I am not super  
39 knowledgeable of the Fortymile Caribou Plan, but I'm  
40 fairly knowledgeable of it and I know that there was a  
41 considerable amount of time put into it. They brought  
42 Jerry Courtour who was the Chair of the Yukon Territory  
43 Board of Game - Board of Fisheries and Board of Game.  
44 They have a joint board over there, who had a  
45 considerable amount of experience. They did a program  
46 similar to that in the Yukon Territory where they  
47 sterilized the two dominate wolves in the wolf pack,  
48 except there they killed all the rest of the wolves, here  
49 we transplanted them to various places in hopes that they  
50 would keep other wolves from moving into the area and two

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1 wolves aren't going to eat as many caribou or kill as  
2 many caribou calves as the whole pack might of 10 or 12  
3 or whatever it is. And so that was the basic theory and  
4 then also the Alaska trappers had a bounty program where  
5 they turned the wolf pelts in or hides in in Fairbanks  
6 and they were paid a bounty and the plan worked. We  
7 heard from the Staff yesterday, from the area biologists  
8 that the herd has grown approximately 10 percent in the  
9 last four or five years, it's increased from around  
10 22,000 to 38,000 animals and in this plan, I believe,  
11 that they said, I don't know the exact figure, but I  
12 think they set at a two percent exploitation rate and  
13 then they set these high-ended numbers, which is what's  
14 in the amended language of 900 and then 600.

15

16 And so what this does is give the  
17 Department the flexibility, both -- all the agencies the  
18 flexibility to get together and implement the management  
19 plan, the harvest objectives and the management plan  
20 without having to go through the regulatory process over  
21 again. It just gives them the flexibility to implement  
22 this plan that was agreed upon by a diverse group of  
23 people that spent many, many days in meetings to come up  
24 with this plan.

25

26 So basically the way I look at this, it  
27 addresses all the concerns that were brought out by this  
28 planing group, this Fortymile planning group that  
29 actually, as I said awhile ago, had expertise,  
30 international expertise from the Canadians because they  
31 had had experience of implementing a plan such as this to  
32 help recover a caribou herd in Canada. So I'll be  
33 supporting the amended proposal.

34

35 Thank you. Mr. Chair.

36

37 CHAIRMAN MIKE: Tricia.

38

39 MS. WAGGONER: I also support the  
40 proposal as amended. I feel that by giving the  
41 regulatory agencies the latitude to adjust the numbers as  
42 needed on a yearly basis, rather than going through the  
43 regulatory process falls within the Fortymile Caribou  
44 Plan and still protects the Nelchina Herd from  
45 overharvest. So I support the resolution as amended.

46

47 CHAIRMAN MIKE: Sue.

48

49 MS. ENTSINGER: Yes, I also want to  
50 support it. And add that it's really nice to see the

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1 Federal and the State and all the agencies working  
2 together and I think that this, the whole Fortymile Plan,  
3 I have to compliment my husband, Frank, for starting  
4 this, I don't know how many years ago, probably 15  
5 anyway, when he had everybody get together and have a  
6 meeting in Tok and brought the Canadians in and when he  
7 first told me that they wanted to sterilize the wolves, I  
8 was a little -- I couldn't believe it. But they worked  
9 so hard on that program, they talked so much to the  
10 people, the local people and it's proved with working  
11 together like that, that it works and I think getting  
12 these seasons or these numbers aligned that the Federal  
13 can close adjacent to the State is a really good step in  
14 the right direction for working together and so I'm in  
15 favor.

16

17 CHAIRMAN MIKE: Pete

18

19 MR. DeMATTEO: For the benefit of the new  
20 members of the Council just so you know some of the  
21 history of this. Two members of the Eastern Interior  
22 Council were voting members of the management team of the  
23 Fortymile Caribou Management Plan.

24

25 CHAIRMAN MIKE: Tricia.

26

27 MS. WAGGONER: I move that we adopt  
28 regulation WP02-42 as amended.

29

30 CHAIRMAN MIKE: There's been a motion to  
31 adopt Proposal 42 as amended. And can we get that  
32 proposal read again, as amended, please, for the benefit  
33 of the Council?

34

35 MR. DeMATTEO: Proposal 42, as amended.  
36 The proposed regulation with the amendment would read  
37 Units 20(E), caribou and 25(C), one caribou by joint  
38 State and Federal registration permit, up to 900 caribou  
39 may be taken under the combined State and Federal harvest  
40 in Unit 20(E) and up to 600 caribou may be taken under  
41 the combined State and Federal harvest in Unit 25(C).  
42 That portion east of the east bank of mainstream Preacher  
43 Creek to its confluence with American Creek and then east  
44 of the east bank of American Creek. The season closures  
45 will be announced by the Northern Field Office manager,  
46 Bureau of Land Management after consultation with the  
47 National Park Service and the Alaska Department of Fish  
48 and Game. During the winter season, area closures for  
49 hunting restrictions may be announced in Unit 20(E) when  
50 Nelchina caribou are present in a mix of more than one



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1 Nelchina caribou to 15 Fortymile caribou, except when the  
2 number of caribou present is low enough that less than 50  
3 Nelchina will be harvested regardless of the mixing  
4 ratios.

5  
6 CHAIRMAN MIKE: Thank you, Pete.  
7 Discussion. Oops, sorry, anybody second.

8  
9 MS. HILDEBRAND: Excuse me, Mr. Chairman,  
10 point of order.

11  
12 MR. UMPHENOUR: The appropriate thing now  
13 is to call the question and vote on it, unless someone  
14 wants to ask more questions or discuss it more but I'm  
15 ready to vote.

16  
17 CHAIRMAN MIKE: Question's been called,  
18 right?

19  
20 MR. UMPHENOUR: I can't call the question  
21 because I made the motion.

22  
23 MS. ENTSMINGER: I'll call for the  
24 question.

25  
26 CHAIRMAN MIKE: Question's been called,  
27 all those in favor of Proposal 42 as amended say aye.

28  
29 IN UNISON: Aye.

30  
31 CHAIRMAN MIKE: All opposed, same sign.

32  
33 (No opposing votes)

34  
35 CHAIRMAN MIKE: Proposal 42's been  
36 adopted. Looking for a motion to bring Proposal 43 on  
37 the table.

38  
39 MR. UMPHENOUR: I move to bring Proposal  
40 43 on the table.

41  
42 MS. ENTSMINGER: Second.

43  
44 CHAIRMAN MIKE: Seconded, Proposal 43.  
45 Does the Council need more information on Proposal 43?  
46 Jim, Proposal 43? Would the Council like to have what  
47 the Staff recommendation is again on Proposal 43 just for  
48 discussion?

49  
50 MS. ENTSMINGER: If it would help, Jim.

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1 This, again, is another -- correct me if I'm wrong, a  
2 proposal that aligns the Federal season with the State  
3 season?

4

5 MR. DeMATTEO: Yes. In alignment with  
6 the recent Board of Game action that made the harvest  
7 more liberal than the Federal regulations so it would  
8 align State and Federal regulations.

9

10 MS. ENTSMINGER: Right. And, Jim, to  
11 help, the area biologist was here and he said that it's  
12 an August season and the likelihood of many animals being  
13 taken was pretty unlikely that there'd be much harvest  
14 increase. But it still would allow the locals to take a  
15 moose in that season, it's any moose instead of spike-  
16 fork.

17

18 And I guess I would support this  
19 proposal. I see ADF&G, BLM supports the proposal, people  
20 from in the area and then the written comments was from  
21 the Upper Tanana Fortymile Advisory Committee and they  
22 also support the proposal. So again, I'd like to  
23 reiterate about the agencies working together to align  
24 the seasons. That makes it easier for the user in the  
25 field.

26

27 CHAIRMAN MIKE: Virgil.

28

29 MR. UMPHENOUR: I'm also going to support  
30 the proposal because it makes regulations consistent so  
31 that there will be less confusion by the general public.  
32 And it also leads to more opportunity for the subsistence  
33 users to be successful in obtaining moose. It was  
34 reported in the Staff reports yesterday and then by the  
35 Upper Tanana Fortymile Advisory Committee that, to the  
36 best of their knowledge, there had only been one moose  
37 taken under this spike-fork regulation in the early part  
38 of the season and so doing away with the spike-fork part  
39 and just having any bull gives more opportunity for the  
40 public to be successful for the public in harvesting a  
41 moose.

42

43 Mr. Chair.

44

45 CHAIRMAN MIKE: Tricia.

46

47 MS. WAGGONER: I'd like to call the  
48 question, Mr. Chair.

49

50 CHAIRMAN MIKE: The question's been

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1 called. All in favor of Proposal 43 say aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN MIKE: All those opposed, same

6 sign.

7

8 (No opposing votes)

9

10 CHAIRMAN MIKE: Proposal 43's been

11 adopted. We're going to get into Proposals 16, 17 and

12 19. I think we'll do the statewide Proposal No. 1, that

13 way we'll give the proponent to be here, I doubt he'll be

14 but we'll start off with Proposals 16, 17 and 19 if

15 that's okay with the Council. Proposal 16, George.

16 Pete.

17

18 MR. DeMATTEO: Members of the Council,

19 the analysis for Proposal 16 is in your book on Page 48.

20 Before I cover the analysis, I just want to let you know

21 that this proposal was not generated from your region, it

22 was generated within the Southcentral. So commonly,

23 within the program, we call this an overlap proposal and

24 the reason being is that it affects people in the

25 Southcentral region but because of the customary and

26 traditional use determination, in other words, those who

27 are eligible, the Federal users who are eligible to

28 harvest caribou within Unit 13 also includes, in addition

29 to people who live in 13, people of Unit 12 -- residents

30 of Unit 12 along the Nabesna Road, Unit 20(D), except Ft.

31 Greely, Dot Lake, Healy Lake, McKinley Village and the

32 area along the Parks Highway between Milepost 216 and

33 239, except those who live in the Park headquarters.

34

35 So normally what we do is we present the

36 analysis and go through the normal procedure we have like

37 in the past two proposals. But when it's all said and

38 done, as a Council, you have the option either to make a

39 recommendation on this because you are speaking for

40 residents of the communities in the areas that I just

41 mentioned. You also have the option to defer it to the

42 home region. You don't have to do that but that is an

43 option. You can defer it and let the Southcentral

44 Council make the recommendation to the Board on this

45 proposal. Again, that's just an option. So you can

46 either make a recommendation on it or just defer it to

47 the home region. And this is what we call an overlap

48 proposal because it was not generated from this region.

49

50 Okay, with that, Proposal 16 was

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1 submitted by the Copper River Native Association and  
2 requests a change in Unit 13 caribou in the late season  
3 which, from the existing October 21 through March 31st to  
4 the proposed December 1 through April 20th season and a  
5 harvest limit from the existing two bulls to the proposed  
6 two caribou limit. The Federal lands affected by this  
7 proposal in Unit 13 include Denali National Park,  
8 Wrangell-St. Elias National Preserve, Chugach National  
9 Forest and BLM lands.

10

11                   It's important to note that there's very  
12 little Federal land in Unit 13 within the range of the  
13 Nelchina Caribou Herd. And that's over in the eastern  
14 part. If you look on the map, Page 50. Generally the  
15 caribou harvested, if you see the Federal lands there in  
16 13(B), the dark shaded area is a patchwork of Federal  
17 lands. As you can see it's about two percent of all the  
18 land in 13(B).

19

20                   The proponent's basis for requesting  
21 reinstatement of the any caribou harvest was that the  
22 current bulls only harvest does not meet the needs of the  
23 Federal users, the local subsistence users. And that  
24 Federally-qualified subsistence users are adversely  
25 impacted by the influx of non-subsistence hunters in Unit  
26 13. The proponent also states that very few local users  
27 with off-road vehicles successfully harvest caribou and  
28 liberalizing the harvest limit would help the local  
29 users.

30

31                   Also it's customary and traditional for  
32 AHTNA people to harvest any caribou, no matter the  
33 gender. AHTNA people depend on caribou and have their  
34 subsistence needs met.

35

36                   The proponent requested eliminating the  
37 October/November season because local users do not hunt  
38 during the rutting season due to inedibility of meat. In  
39 addition, extending the season into April provides  
40 harvest opportunities when there are usually few caribou  
41 in Unit 13 along the road system. If you look at the  
42 table, Page 53, Table 2, reported Federal subsistence  
43 caribou harvested month by month in Unit 13, it covers  
44 the harvest from 1997 through 2001 by month, August  
45 through March. If you look at the months of October and  
46 November, that represents 27 percent of all the caribou  
47 harvested by Federal users. If this proposal was adopted  
48 by the Board, it would eliminate those two months. So  
49 potentially 27 percent of opportunity would be eliminated  
50 by adopting this proposal. That's very significant.

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1                   Then the proposed season is December 1st  
2 through August 20th. And according to the analysis,  
3 December and January, of course, are the cooler months  
4 and there's shorter daylight so they're not the preferred  
5 hunting season for caribou in that area.

6  
7                   Also according to the Department of Fish  
8 and Game, as this season would go through April 20th, the  
9 proposed season would go through April 20th, pregnant  
10 cows are getting along in development and this would open  
11 them up to -- they'd be very vulnerable to stress due to  
12 hunting pressure. And the calving normally starts about  
13 May 10th so it's getting pretty close so there could be  
14 adverse impacts because of hunting pressure.

15  
16                   The current harvest of bulls only meets  
17 the current management harvest guidelines established by  
18 the Department of Fish and Game. The preliminary  
19 conclusion is to oppose the proposal because reinstating  
20 the harvest of caribou, of cows, in Unit 13 at this time  
21 would pose a conservation concern and could threaten the  
22 stability and the potential growth of the herd. Also the  
23 ongoing -- or the existing bulls only would allow for  
24 continued subsistence opportunity in that area. And  
25 extending the harvest season into April raises strong  
26 conservation concerns for the reasons I mentioned, that  
27 calving begins on May 10th and because the pregnant cows  
28 are along in the latter stages, this could cause a  
29 substantial adverse effect because of hunting pressure.

30  
31                   Thank you.

32  
33                   MR. SHERROD: I'm going to add something.  
34 We didn't draft this so we're taking sort of the team  
35 approach on trying to present this and we may actually  
36 have to call on Dan LaPlant.

37  
38                   One important point that wasn't brought  
39 out clearly in this analysis is that last year the  
40 Eastern Interior Council supported, for conservation  
41 concerns, going from the cow harvest to only bull harvest  
42 so you have a history of supporting the trend that's in  
43 place right now.

44  
45                   CHAIRMAN MIKE: Agency comments. Connie.

46  
47                   MS. FRIEND: Mr. Chair, Council members.  
48 My name is Connie Friend and I'm with the Tetlin Wildlife  
49 Refuge. And the Refuge would like to go on record as  
50 also opposing this proposal for the purpose of

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1 conservation and the concern about pregnant cows being  
2 harvested and the stress also on them. So we'd just like  
3 to add our voice to that.

4

5 Thank you.

6

7 CHAIRMAN MIKE: Do we have anymore agency  
8 comments?

9

10 MR. BRELSFORD: Thanks, Mr. Chair. My  
11 name is Taylor Brelsford and I work as the subsistence  
12 coordinator for the BLM. You guys threw me on the agenda  
13 here, I was actually on the phone to my co-workers in  
14 Glennallen thinking that you had a lengthy discussion on  
15 the bear proposal. So excuse me for being out as you  
16 initiated this conversation.

17

18 I would like to take a minute to sort of  
19 raise some other concerns that had been discussed more  
20 fully in the Southcentral Regional Advisory Council. And  
21 this is a hunt and a herd in which both Councils have a  
22 shared interest. There are communities in the Upper  
23 Tanana Valley that have C&T for the Nelchina herd for the  
24 Unit 13 hunt. And so this is one that the Eastern  
25 Interior has had perspectives about and the Southcentral  
26 Council actually has a different take on the best  
27 management approach and the best conservation approach.  
28 And I'd like to share a little bit of that.

29

30 So to start with this this has been a  
31 really highly dynamic herd population. It has risen very  
32 high and fallen rather dramatically over the last 10 to  
33 15 years. And that means that the management approach  
34 has had to follow with changes several times in the last  
35 decade. Harvest of cows was permitted throughout most of  
36 the 1990s. State regulations restricted the harvest to  
37 bulls only in 1998/99, just a couple of years ago. Cow  
38 harvest was again permitted in '99/2000 so it changed  
39 shortly after. And then in the year 2000 -- for the  
40 2000/2001 season, the State management approach went to  
41 bulls only. And the Federal subsistence regulations  
42 followed and created a bulls only season last year. So  
43 this previous fall season, fall of 2001 was the first  
44 time that the Federal subsistence regulations have had a  
45 bulls only harvest limit.

46

47 The Southcentral Council opposed this  
48 change last year. The Eastern Interior Council did,  
49 indeed support it, but the Southcentral Council had a  
50 different perspective. They suggested that the Federal

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1 harvest of cows was actually quite small. It was not a  
2 significant part of overall harvest. The State harvest  
3 limit was bulls only. The Federal users are a small part  
4 of the Unit 13 caribou hunt. So in their perspective,  
5 retaining the flexibility of a cow harvest was not going  
6 to harm the conservation goals. They also argued that  
7 the change to bulls only was not consistent with  
8 traditional harvest practices. That for the most part,  
9 subsistence users in Unit 13 were in the habitat of  
10 taking both bulls and cows. And as we've noted, cow  
11 harvest was permitted in both State and Federal  
12 regulations throughout much of the 1990s.

13

14               The Southcentral Council was also  
15 concerned that this change to bulls only would result in  
16 inadvertent cow harvest and enforcement. That making a  
17 dramatic shift of this sort would result in some  
18 mistakes, some good faith errors on the hunting grounds  
19 and that that this would subject people to a new level of  
20 law enforcement.

21

22               So last summer, as we began to distribute  
23 the Federal subsistence permits for the Unit 13 hunt, the  
24 BLM Staff made quite an effort to inform hunters about  
25 the change in bag limits to be sure people at least were  
26 aware that the season had gone from any caribou to bulls  
27 only.

28

29               I actually participated in the Delta  
30 Junction distribution of Federal subsistence permits and  
31 we stopped every single hunter as they were filling out  
32 the forms and said, we want to be really sure you're  
33 aware of this change because it's fairly a big deal and  
34 we all want to minimize confusion and unnecessary  
35 controversy in the conduct of a hunt. And I think it's  
36 important to point out that many of the hunters in Delta  
37 Junction actually said, well, good, it's about time. We  
38 think a cow harvest on a herd that's population is in  
39 trouble, we don't think a cow harvest makes sense so  
40 there is, in fact, some support on the Upper Tanana  
41 villages for a bulls only hunt.

42

43               The same effort to inform hunters was  
44 made in Glennallen when the permits were being  
45 distributed for the Copper Basin hunters and, again,  
46 there was not the same kind of support for a bull only  
47 hunt. People assert that their traditions involve both  
48 bull and cow harvest.

49

50               So now we move forward to the fall season

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1 and in the last week of the September season the -- well,  
2 throughout the fall season the BLM had a fairly  
3 significant field presence. There is a new ranger, a new  
4 law enforcement officer at the BLM office in Glennallen.  
5 He's been there about a year and a half. And our  
6 wildlife biologist also spent a lot of time in the field  
7 trying to interact with hunters, trying to provide as  
8 much information and to avoid miscues as possible.  
9 However, there were a number of law enforcement  
10 incidents, particularly when the animals moved onto  
11 Federal lands late in the fall season. The law  
12 enforcement officer tells me there was about two dozen  
13 instances of inadvertent cow harvest or failure to  
14 salvage, failure to bring an animal out of the field so  
15 he issued citations in several instances to people who  
16 had taken a cow when that is now illegal and he found a  
17 number of cow's left, taken and left in the field, so he  
18 was really quite upset about this. That this was not  
19 achieving, we didn't have the kind of public support for  
20 the change in bag limit and we were ending up in a lot of  
21 ill-will with hunters over this change and the result of  
22 a significant increase, in his opinion, of law  
23 enforcement incidents.

24  
25               So I was asked to come out in October and  
26 talk some more with the field station about, was the bull  
27 only harvest limit necessary? Was it the best approach?  
28 Was there any to find more flexibility to allow for the  
29 subsistence traditions of the region. This was a fairly  
30 big meeting. The ADF&G biologist joined us in  
31 Glennallen. The State leader of law enforcement of the  
32 BLM came out, I mean it was kind of a big deal in early  
33 October. And I think we left that meeting with the  
34 understanding that the State -- that all of us share the  
35 commitment to growing the Nelchina Herd back. Nobody is  
36 prepared to jeopardize that conservation purpose. The  
37 State perspective remains quite firm, that eliminating  
38 all cow harvest is a primary management tool to help that  
39 herd grow back. The BLM biologist in Glennallen felt  
40 like we ought to find some other way to create more  
41 flexibility for the smaller number of Federal hunters  
42 taking into account that the State regulations would  
43 govern hunting for out of basin residents coming in and  
44 hunting under Tier II, hunting in the larger State hunt.

45  
46               So what we've done in just the last  
47 couple of weeks is to look for some intermediate  
48 alternatives and our hope in this is to provide more  
49 flexibility for local subsistence hunters while keeping  
50 cow harvest at the lowest possible level. We want to



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1 reduce the controversy of law enforcement and to promote  
2 public support and voluntary compliance with the  
3 conservation measures so that we can see this herd grow  
4 back to its population objective. And remember we're  
5 fairly close. We're at about 34,000 animals, the  
6 population objective is 35,000 to 40,000 for this herd.

7  
8                   So we also believe that the subsistence  
9 priority can be applied in a way that has a more flexible  
10 bag limit for Federal user than for the State general  
11 hunt. We have some instances in which Federal seasons  
12 start earlier, run later, have different bag limits. We  
13 think this might be a case where a slight difference  
14 between the larger State user group and the smaller local  
15 Federal subsistence user group makes some sense.

16  
17                   So the specifics that I'd like to put on  
18 the table for your consideration are as follows:

19  
20                   And maybe, if you want to kind of look  
21 side by side, the difference that this would represent,  
22 on Page 48, midway down you see a paragraph entitled  
23 proposed Federal regulations. And as you've heard, CRNA  
24 is proposing that we go back to the any caribou season.  
25 What we'd like to suggest as a possibility is a season, a  
26 harvest limit of two caribou, however, only one cow  
27 caribou may be taken in the fall season and only  
28 antlerless caribou may be taken in the winter season.

29  
30                   The winter season -- our hope here is  
31 that since cow caribou and, particularly pregnant cows  
32 retain their antlers into the winter, that an antlerless  
33 season allows a hunter, at a glance, to know a legal  
34 animal. It will direct the winter hunt to bulls only.  
35 We think that helps us. It makes it easy for local  
36 people to get with the program in the winter time. In  
37 the fall, when we're saying only one cow caribou may be  
38 taken in the fall, what we're trying to do is to get away  
39 from the situation where a guy shoots, takes a cow and  
40 then either, you know, feels like he's supposed to turn  
41 himself in or abandon it, in this way, a hunter would be  
42 able to legally take one cow but not to continue hunting  
43 and take the chance of a second cow in the fall season.  
44 So we could eliminate, for example, these law enforcement  
45 citations that we saw last fall where people were taking  
46 a cow when they didn't mean to. This would allow the  
47 flexibility to take one cow against your annual harvest  
48 limit in the falltime but not two. And our hope, again,  
49 is to try and provide more flexibility on the ground,  
50 reduce law enforcement, but at the same time to limit the

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1 cow harvest. We don't want people overdoing. We're  
2 trying to strike a balance in that.

3  
4 So this change in the harvest limit, it's  
5 really the central suggestion that we're going to put on  
6 the table and take up in some detail with the  
7 Southcentral Council.

8  
9 On the season dates, and this was another  
10 big part of the CRNA proposal. So on the right hand side  
11 here, you would see the winter season is being moved back  
12 later and running later to the spring. We would suggest  
13 not making that change, retaining the existing winter  
14 season. We're especially concerned that in the spring  
15 time as you later and later in, the disturbance impacts  
16 on pregnant caribou become more significant. So kind of  
17 the talking version that we're putting on the table is  
18 changing this bag limit to permit a single cow to be  
19 taken in the falltime, antlerless only in the winter,  
20 stay with the existing season.

21  
22 So that concludes the kind of compromise  
23 or intermediate solution that we've been trying to  
24 develop in this. I would welcome any questions if there  
25 were things that I wasn't clear about.

26  
27 Thank you, Mr. Chair.

28  
29 CHAIRMAN MIKE: Jim.

30  
31 MR. WILDE: Mr. Chair, thank you.  
32 Taylor, the first season, October 21st is a little early.  
33 I would suggest maybe November 1st so they're not going  
34 to be in the rut there -- or awful close.

35  
36 MR. BRELSFORD: Mr. Chairman, thanks.  
37 Jim, we actually tried to get a good feel for CRNA's goal  
38 in moving that winter season back and it is exactly as  
39 you suggest, there are concerns in many communities that  
40 starting a winter hunt too early leads to some waste of  
41 meat because animals -- a portion of animals are still in  
42 the rut at that period. And we think what happened here  
43 is that CRNA wanted to avoid the rut season and so  
44 started later, the winter season on December 1st but then  
45 wanted to keep the same period of a winter hunt and so  
46 ran it an equivalent number of days late. We are worried  
47 about that later season. I think all the managers share  
48 the perspective, the OSM biologists, the State  
49 biologists, the field biologist at BLM in Glennallen,  
50 everybody's concerned that as you get later and later

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1 into the spring, you have higher risk of negative effects  
2 on reproducing cows in particular.

3

4 So we sort of wanted to leave it alone.  
5 I think we actually have not consulted with CRNA at this  
6 point to ask whether a later start, but retaining the  
7 same ending in the winter, so shortening it altogether  
8 would be suitable in order to avoid take of animals in  
9 the rut and the potential for waste.

10

11 So I guess we don't have a complete  
12 solution on that particular question yet but it certainly  
13 is one that drove part of CRNA's suggestion here and  
14 maybe we need to talk a little further with them about  
15 it.

16

17 CHAIRMAN MIKE: Tricia

18

19 MS. WAGGONER: Taylor, I'd like to make a  
20 comment on that. I used to reside within Unit 13(E),  
21 within the Nelchina herd and definitely on that October  
22 21st date they are still, you know, just coming out of  
23 rut, if they aren't still in rut. And my question in  
24 regard to that, in your suggestion of making that winter  
25 season antlerless caribou, you're effectively changing  
26 that start date just through the wording because you  
27 aren't going to have antlerless caribou until late  
28 December or early January so you won't even have an  
29 available resource until, you know, two months into the  
30 season. So I was just wondering about that.

31

32 MR. BRELSFORD: This is an instance where  
33 I'm listening to folks who are more specialized in  
34 caribou biology than myself. What you say certainly  
35 sounds plausible and I think maybe as we continue this  
36 discussion we could get some of the other Federal Staff  
37 who have participated in this to help respond. We need  
38 to come up with the best solution here and this wasn't  
39 fully settled. So I welcome the input. Mr. Chair, maybe  
40 as we go through the agency conversations, Warren  
41 Eastland could have a chance to respond as well.

42

43 CHAIRMAN MIKE: Thank you.

44

45 MR. BRELSFORD: Thank you.

46

47 CHAIRMAN MIKE: Other agency comments.

48

49 MR. BRELSFORD: There's a whole parade.

50

00079

1 CHAIRMAN MIKE: Devi.

2

3 MS. SHARP: Thank you, Mr. Chairman and  
4 Council. My name is Devi Sharp. I'm representing the  
5 Wrangell-St. Elias Subsistence Resource Commission that  
6 met last week. I wish we had known about the BLM's  
7 amendment to this proposal because it would have helped  
8 us craft a better proposal. The Wrangell-St. Elias  
9 Subsistence Resource Commission supports this proposal  
10 with the modification of November 1st through April 20th,  
11 bulls only. So taking away the opportunity for a cow and  
12 extending starting the lat season in November and going  
13 through April 20th.

14

15 The Subsistence Resource Commission  
16 shared the concern about cows and the inappropriate  
17 taking of a cow in the spring.

18

19 Questions.

20

21 CHAIRMAN MIKE: Jay.

22

23 MR. STEVENS: Yeah, how many permits are  
24 issued total?

25

26 MR. DeMATTEO: 2,500 Federal permits,  
27 annually plus the Tier II permits that the State issues.

28

29 MR. STEVENS: And how many Tier II  
30 permits?

31

32 MR. DeMATTEO: The number of State Tier  
33 II permits 1999/2000 year was 2000 permits for the  
34 season.

35

36 CHAIRMAN MIKE: Sue.

37

38 MS. ENTSMINGER: Yeah, I wanted to point  
39 out that the actual Federal land in Unit 13 where the  
40 animals are harvested mostly is -- especially -- at any  
41 rate, around the Denali Highway there's a lot of hunting  
42 pressure. You've really got to have your surveyor there  
43 to know exactly where all that Federal land is. I was  
44 just curious, if there's any Federal animals that are  
45 taken off Federal land?

46

47 MR. DeMATTEO: You know the way the  
48 harvest information is recorded, I don't think we have  
49 the ability to break that out that way. That would be  
50 nice information to have, we just don't have it.

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1 MS. SHARP: That's correct. Sue, Bob  
2 Toby expressed the same concern, that's virtually  
3 impossible to figure out when you're on Federal land in  
4 those little postage stamp areas and that that was really  
5 a problem.

6  
7 MS. ENTSMINGER: Well, I guess I should  
8 have asked BLM when he was here. But if they have  
9 somebody in the field and they know that they've taken  
10 some cows and left them lay, I mean, were they laying on  
11 Federal land or State land?

12  
13 MR. BRELSFORD: Mr. Chairman, Sue. There  
14 were some episodes of both. And I think it is important  
15 to say that this is one of the most difficult and intense  
16 hunts in Alaska. The Federal lands are small, as you  
17 say, the number of hunters in the field -- once animals  
18 move onto Federal lands is quite large, it requires a lot  
19 of -- we need management solutions that are pretty  
20 carefully thought out. The ability of a hunter to  
21 identify when they're on and off Federal lands is a big  
22 challenge in this. And I didn't emphasize in my comments  
23 the fact that the State law enforcement people have  
24 worked very closely with the BLM. In fact, they were  
25 jointly patrolling and jointly issuing citations and some  
26 of the wanton waste or failure to salvage instances were  
27 on Federal lands and others were on State lands.

28  
29 Another development that has occurred out  
30 of this is that the Federal -- the BLM ranger has now  
31 received a commission to enforce State law on State lands  
32 so he can actually follow a problem that started on  
33 Federal lands onto State lands in order to effect the law  
34 enforcement. The point I want to emphasize is that both  
35 the State and the Federal managers and law enforcement  
36 personnel are trying to ensure that there's high  
37 compliance with the standards of this hunt. There's not  
38 a, sort of, situation where a hunter can run across the  
39 boundary to State lands and get away with things. The  
40 law enforcement people are making every effort to ensure  
41 that a lawbreaker, a violation will be treated no matter  
42 if it's on the Federal side or the State side.

43  
44 MS. ENTSMINGER: So would you say that a  
45 lot of these cows probably were close enough to Federal  
46 land that -- the issue was the fact that it was a cow  
47 that they abandoned and not that they were off Federal  
48 land?

49  
50 MR. BRELSFORD: Yes. And thanks for

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1 putting it as directly as that. That is -- that's our  
2 assessment of this. This hunt has been in place for  
3 eight or nine years, a Federal season. And the Federal  
4 permit program has been in place for a number of years so  
5 we think there's a general awareness of the Federal regs  
6 versus State regs and people are making, in general, a  
7 good faith effort to comply. And I know the law  
8 enforcement people have talked about when you're a  
9 quarter mile across the line, they got GPS, they know  
10 exact coordinates, but they're using a little bit of  
11 discretion about a hunter who's trying to do the right  
12 thing. When it's a mile off or two miles off, then  
13 they're saying, that -- that was -- there was no good  
14 faith on the part of the hunter in that episode. But,  
15 again, in most instances, it has not been a matter of  
16 ignoring Federal lands and just hunting anywhere, it had  
17 to do with the take of cows and the fact that the season  
18 has changed. This was the judgment of the Federal law  
19 enforcement fellows involved.

20

21 MS. ENTSMINGER: I have another  
22 question. I'm not sure this one would be for you. But  
23 of the 27 percent, what do you think the demographics  
24 would be from the Copper River Native Association, the  
25 people that were successful hunters.

26

27 MR. DeMATTEO: I'm afraid that the  
28 information that -- the way the analysis is written that  
29 the harvest data does not reflect that. And I'm not sure  
30 if even we could break it out that way.

31

32 MR. SHERROD: There's also the case where  
33 some of the individuals are hunting under State Tier II  
34 permits simultaneously. That allows them the chance, in  
35 the past to take a cow and then a chance to take any  
36 bull, any place, during the other part of the season. So  
37 it's a mixture.

38

39 CHAIRMAN MIKE: Ida.

40

41 MS. HILDEBRAND: Ida Hildebrand, BIA  
42 Staff Committee member. In reference to Sue's question  
43 regarding the use of the lands by CRNA. In past testimony  
44 CRNA representatives did testify that, although, Federal  
45 lands are a small percentage of this unit, those Federal  
46 lands are their specific hunt areas.

47

48 Thank you, Mr. Chairman.

49

50 CHAIRMAN MIKE: Jim, did you get that?

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1 MR. WILDE: (Nods affirmatively)

2

3 CHAIRMAN MIKE: Tricia.

4

5 MS. WAGGONER: I have one other question.

6 In looking at the historical harvest and based on the  
7 total harvest there's been a definite increase in  
8 percentage of the total harvest being Federal with the  
9 decrease in the State harvest and the State number of  
10 Tier II permits. So if the State harvest continues to  
11 decline and -- but will the Federal harvest, you know,  
12 quota still stay the same and will that be allowing an  
13 actual increase in harvest by continuing to allow the two  
14 caribou?

15

16 MR. DeMATTEO: Well, it depends on where  
17 the herd goes as far as if it's going to decline,  
18 stabilize or increase, you know, what the allocation will  
19 be. It's hard to predict where it will be five years  
20 from now. But, of course, the allocation will reflect  
21 the condition of the herd.

22

23 CHAIRMAN MIKE: Anymore agency comments.

24

25 MR. EASTLAND: My name is Warren  
26 Eastland. I'm the wildlife biologist for the BIA. I  
27 worked with Taylor and others on developing what he  
28 referred to as the compromise. And I'd like to say that  
29 I do support that. Because the two caribou limit, no  
30 more than one of which may be a cow does offer the Ahtna  
31 an opportunity to continue their traditional way of  
32 hunting without, I believe, threatening the conservation  
33 goals for the Nelchina animals. And by keeping the  
34 winter season where it is, this would limit the  
35 disturbance to the migrating females who are headed for  
36 the calving grounds who are very late in their pregnancy  
37 and much disturbance stands the chances of causing  
38 miscarriage and, of course, reducing the total  
39 reproductive capacity.

40

41 So I do support the compromise that  
42 Taylor's pointed out. And with that, if you have any  
43 questions.

44

45 CHAIRMAN MIKE: Anymore agency comments.

46

47 MR. HAYNES: Thank you, Mr. Chairman.  
48 The Department's comments on the original proposal are on  
49 Page 56 of your book. And our opposition to the original  
50 proposal is pretty much in line with the justification

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1 presented in the Staff analysis.

2

3 We didn't hear about this compromise  
4 proposal until last night. And so I've not had a chance  
5 to discuss it with the area biologist or with other  
6 managers in the department. However, allowing any cow  
7 harvest still poses threats to heard growth. We're very  
8 close to reaching the lower end of the population  
9 objective and the Department believes we may get there in  
10 one more year. And so even though some cows may be  
11 killed inadvertently, the problem is there always will be  
12 enforcement challenges given the nature of Federal lands  
13 in Unit 13.

14

15 And BLM proposed an option of allowing  
16 one cow to be harvested in the fall, the same burden  
17 would still fall on the hunter and that is to ensure that  
18 if you're hunting under the Federal regulations, that you  
19 took that cow from Federal public lands. And so, even  
20 though it would allow and legalize the cow harvest it may  
21 not necessarily solve the enforcement question.

22

23 So at this point, until we have a chance  
24 to talk more about this internally, our position remains  
25 in opposition to allowing any cow harvest at all for at  
26 least one more year.

27

28 CHAIRMAN MIKE: Thank you, Terry.  
29 Anymore agency comments. We did not receive any public  
30 comments specific to the proposal. We did receive two  
31 written public comments.

32

33 One is from the Wrangell-St. Elias  
34 Subsistence Resource Commission. The Wrangell-St. Elias  
35 National Park Subsistence Resource Commission supports  
36 this proposal with the modification of November 1, April  
37 20th and two bulls.

38

39 A written public comment from the Paxson  
40 Fish and Game Advisory Committee, support the proposal  
41 provided ADF&G believes that the herd can support the  
42 additional hunting pressure. Taking cows can  
43 substantially hurt the population and can take years to  
44 undo the effect of one hunting season.

45

46 That concludes the written public  
47 comments. Regional Council deliberation.

48

49 MS. ENTSMINGER: I have a question.

50



00084

1 CHAIRMAN MIKE: Sue.

2

3 MS. ENTSMINGER: I wanted to find out on  
4 this -- that April 20th closure, I mean I imagine that  
5 snow conditions would actually cause problems getting out  
6 there in certain years because breakup's starting. I  
7 think the Nelchina caribou could already be back from  
8 their winter migration by then, maybe they'd be along the  
9 road. I'm thinking out loud. But I guess I have -- I  
10 don't know, I think that might be a little too late of a  
11 season. I just wanted to get a feeling from the rest of  
12 the Council.

13

14 MR. DeMATTEO: In addressing Sue's  
15 concerns. According to the Department of Fish and Game,  
16 during the end of the proposed season, April 20th is just  
17 about when the pregnant cows are migrating back to the  
18 Talkeetna calving range and therein lies the concern.  
19 That they could be intercepted along the -- if you look  
20 on the map there again. The Federal land kind of  
21 proposes sort of a north/south corridor. And the concern  
22 lies in that a number of them could be harvested because  
23 they cross through there on their way back to the calving  
24 grounds, at that time. But you're correct, depending on  
25 the snow conditions, the trail conditions, it could  
26 affect the number of hunters that are out there.

27

28 MS. ENTSMINGER: I guess I don't know  
29 enough about pregnant cows, do they still have their  
30 antlers?

31

32 MR. DeMATTEO: No. The problem is that  
33 what everyone's saying, that the pregnant cows generally  
34 lead the charge in the migration and they'd be the first  
35 to be intercepted as they move through there. And that  
36 would be the problem. And from my understanding, up in  
37 the hills there, snow conditions -- trail conditions  
38 could still be pretty good in April because of the  
39 elevation. So access may not be a problem even though it  
40 is late in the season.

41

42 MS. ENTSMINGER: And they still have  
43 their antlers, I think that's what I'm concerned about?

44

45 MR. DeMATTEO: Yes. Yes, they still have  
46 their antlers. Sorry.

47

48 CHAIRMAN MIKE: Tricia.

49

50 MS. WAGGONER: You know, my only concern

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1 would be, you know, if you -- in supporting, say, the  
2 compromise or Taylor's proposed change, would be not --  
3 maybe revising language to something along the lines of  
4 having it open on October 21st and then after January  
5 1st, only antlerless caribou, therefore allowing the  
6 opportunity. But I would not be in support of leaving it  
7 open until April 20th because of the chance of taking  
8 pregnant cows. When the migration comes back through,  
9 it's through Landmark Gap, which is in that Federal area  
10 and it's a pretty contained area and the cows come  
11 through first.

12

13 MS. ENTSMINGER: But they still have  
14 their antlers.

15

16 MS. WAGGONER: Yeah, they still have  
17 their antlers, but the usage area is very small over in  
18 there once you get into April and they're fairly  
19 concentrated. But, yeah, definitely going with an  
20 antlerless but I would -- if -- in supporting it would be  
21 to change it, you know, one bull caribou and from October  
22 21st to January 1st and then antlerless caribou after  
23 January 1st because otherwise you would effectively wipe  
24 out two months of hunting because all the caribou still  
25 have their antlers in the fall.

26 MS. ENTSMINGER: Big bull caribou drop  
27 their antlers as early as November so that wouldn't be  
28 true in my book. The younger animals hold them longer.

29

30 CHAIRMAN MIKE: What is the wish of a  
31 Council, we can either defer or support the proposal or  
32 oppose the proposal.

33

34 MS. ENTSMINGER: A question.

35

36 CHAIRMAN MIKE: Sue.

37

38 MS. ENTSMINGER: During the hunt when it  
39 was any caribou, what was the cow take on Federal lands?

40

41 MR. DeMATTEO: I'm afraid I just don't  
42 have that information in the analysis here. But we do  
43 have other Staff here that have worked on these issues in  
44 the past, so just one second.

45

46 MR. LaPLANT: Mr. Chairman, for the  
47 record my name is Dan LaPlant. Ms. Entsminger, your  
48 question, in the -- probably in the most recent three  
49 years when cow harvest was authorized in the Federal  
50 system, on Page 52 it identifies 43 percent of the

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1 harvest was cows, 43 percent of the Federal harvest. So  
2 it was a significant part of the Federal harvest.

3

4 MS. ENTSMINGER: That's a lot.

5

6 MR. LaPLANT: The last year that the  
7 Federal season authorized a cow harvest it was down to 28  
8 percent, so ranging between it looks like 43 -- or an  
9 average 43 down to 28 percent.

10

11 MS. ENTSMINGER: Were the local Federal  
12 people working with the Native people and encouraging  
13 them not to take cows?

14

15 MR. LaPLANT: I don't believe that was  
16 the case. It was just open to any caribou at the time.  
17 The concern, of course, the population decline was there  
18 but there was no proposal for making it a bulls only  
19 harvest at that time. So cows were illegal and cows were  
20 taken at the discretion of the hunter.

21

22 CHAIRMAN MIKE: Sue.

23

24 MS. ENTSMINGER: Well, maybe we want to  
25 step down for a minute.

26

27 CHAIRMAN MIKE: Okay. We can take a 10  
28 minute recess. We'll get back on record at 10:00  
29 o'clock.

30

31 (Off record)

32

33 (On record)

34

35 CHAIRMAN MIKE: I'll call this meeting  
36 back to order. We're on Proposal No. 16 and it's in  
37 Council deliberations. What's the wish of the Council?  
38 Jim.

39

40 MR. WILDE: We deferred this last fall  
41 because there was no representation. There was only  
42 three of us and we're all from the northern area. Now,  
43 that we have two sort of in that area, would you like to  
44 vote on it or we can defer it again? I'm asking you two.

45

46 CHAIRMAN MIKE: Tricia.

47

48 MS. WAGGONER: I would like to put forth  
49 to the Council that we refer it back to Southcentral and  
50 CRNA with, one, the recommendation that the closing date

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1 not be back March 31st and with the intent of them  
2 working with BLM to further education in regards to  
3 identification and harvesting of cows and maintaining the  
4 intent of allowing an adequate subsistence harvest within  
5 Federal lands in Unit 13, while still preserving the herd  
6 and maintaining the growth of the herd.

7

8 CHAIRMAN MIKE: Sue.

9

10 MS. ENTSMINGER: I'd like to make a motion  
11 that we, in spirit, agree with the idea that it would be  
12 nice to have the -- I'm giving you justification first,  
13 I'm sorry. I like the idea that cows, you give them one  
14 because the history of Alaska you've got -- I think one  
15 season eight biologists that killed cow caribou for bull  
16 and it's really difficult, especially when people leave  
17 them lay out there, I just as soon see them to be able to  
18 take it legally. So I like the intent of the BLM  
19 proposal. I wish that -- you know, to make a decision on  
20 it it wouldn't have been just sprung on us all at once.

21

22 But to make the motion I would make it  
23 that we defer to Southcentral and the people in that  
24 region, although our intent would be that we favor the  
25 idea of the BLM one but we would be -- this motion would  
26 be for a March 31st closure.

27

28 MR. UMPHENOUR: Second.

29

30 CHAIRMAN MIKE: Seconded. Discussion.

31

32 MR. UMPHENOUR: I seconded it.

33

34 MS. ENTSMINGER: Uh-huh.

35

36 CHAIRMAN MIKE: It's been moved that  
37 Eastern Interior Council defer Proposal 16 to the  
38 Southcentral Region with the intent to work with CRNA and  
39 BLM; is that correct?

40

41 MS. ENTSMINGER: Uh-huh.

42

43 MS. WAGGONER: With the closure date of  
44 March 31st.

45

46 CHAIRMAN MIKE: With the closure date of  
47 March 31st.

48

49 MS. ENTSMINGER: Yes, realizing that that  
50 April -- or the 1st to the 20th, I was talking at break,

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1 that there's a lot of snowmachiners in that area and that  
2 is just south of there, Summit Lake, is the Arctic Man  
3 and the disturbance of the animals when they're pregnant  
4 like that, if people were just hunting cows and running  
5 around on snowmachines it would be disturb -- I mean  
6 hunting the antlerless animals they would be disturbing  
7 pregnant cows.

8

9 CHAIRMAN MIKE: Virgil.

10

11 MR. UMPHENOUR: I don't know how the  
12 brown bears react down there in that area but I do know  
13 that where I hunt grizzly bears, that the big boars come  
14 out in early April and the first thing they do is hunt  
15 down pregnant moose and they kill the pregnant moose  
16 cows, just rip their stomach open and eat the liver, lung  
17 and fetus. We got one grizzly this last spring that had  
18 tracked down two cow moose in the soft snow and killed  
19 them and that's all they did. I know that the brown  
20 bears would be out in that early to mid-April period and  
21 the weakened cow caribou would be much more susceptible  
22 to getting caught by grizzly bears or wolves and so I  
23 feel that that's an extremely important thing, is that  
24 there's not people running out around on snowmachines  
25 because I know on the 8th of May this last year I drove  
26 through the area from Anchorage up through Glennallen and  
27 Paxson to Fairbanks and it was still winter there, you  
28 could have run your snowmachine all over on the 8th of  
29 May. Of course it was a late breakup last year but I  
30 think that's very important that these cows should not be  
31 disturbed during that time period.

32

33 Mr. Chair.

34

35 MS. WAGGONER: Question.

36

37 CHAIRMAN MIKE: Question's been called.

38 All those in favor of Proposal 16 to defer to  
39 Southcentral with the closing date of March 31st, all  
40 those in favor say aye.

41

42 IN UNISON: Aye.

43

44 CHAIRMAN MIKE: All those opposed same  
45 sign.

46

47 (No opposing votes)

48

49 CHAIRMAN MIKE: Proposal 16's been  
50 approved to defer to the Southcentral region. Sue.

00089

1 MS. ENTSMINGER: Just a clarification,  
2 that is the proposal that BLM brought forth, okay, yeah.

3  
4 CHAIRMAN MIKE: I was approached by one  
5 of our TCC delegates that he's going to be traveling  
6 later on today and he'd like to address Proposal No. 1,  
7 if that's okay with the Council otherwise we can continue  
8 on with Proposal 17. What's the wish of the Council?  
9 Okay, we'll go ahead and go with Proposal No. 1, the  
10 statewide proposal.

11  
12 MR. KRON: Mr. Chair, members of the  
13 Regional Council. My name is Tom Kron from OSM.  
14 Wildlife Proposal WP02-01 was submitted by Craig Fleener  
15 of this Regional Council. The information concerning  
16 this proposal can be found under Tab C, Page 25 of your  
17 Council book.

18  
19 The proposal requests that black and  
20 brown bear be classified as furbearers. The proponent  
21 wishes to sell hides and parts of black and brown bear  
22 taken on Federal land. This is a statewide proposal and  
23 is being reviewed by all 10 Regional Councils.

24  
25 Both brown and grizzly bear are the same  
26 species whether they live along the coast or in the  
27 interior of Alaska. In this analysis and presentation  
28 both brown and grizzly bear are referred to as brown  
29 bear. With the exception of an article of handicraft  
30 made from the fur of black bears, the purchase, sale or  
31 barter of any part of a bear is prohibited. The sale of  
32 brown bear hides has been illegal since 1925 and this  
33 species has never been classified as a furbearer in  
34 Alaska. The black bear was originally classified as a  
35 furbearer until 1938 when it was reclassified as a game  
36 species. The sale of black bear hides black, brown or  
37 chocolate color phases was allowed in Alaska prior to  
38 1971. The sale of blue glacier color phase hides of the  
39 black bear species was allowed prior to 1964. Both black  
40 and brown bear populations are presently healthy across  
41 most of Alaska. There are concerns for several  
42 relatively small isolated populations of brown bear.  
43 Bears have the lowest population growth rate of North  
44 American land mammals. Significant population declines  
45 tend to be long and difficult to reverse. Current  
46 harvest levels of black and brown bear in Alaska appear  
47 to be fairly high when compared to historic harvest  
48 records.

49  
50 Native Alaskans have harvested bears and

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1 have competed with them for subsistence resources for  
2 over 14,000 years. Both black and brown bear have been,  
3 traditionally, very important in Alaska Native cultures.  
4 In certain areas of the state, the harvested and handling  
5 of bears is subject to specific cultural requirements.  
6 In the Koyukuk Athabascan culture, for example, it would  
7 be inappropriate to consider selling bear hides or parts.  
8 There is a commercial market for bear hides, claws,  
9 skulls, teeth and gall bladders. Commercial sales of  
10 legally taken bear hides and parts are allowed in parts  
11 of Canada and the Lower 48 states. Despite legal trade  
12 in some areas, there remains a strong underground market  
13 for bear parts. There are concerns that legalized sale  
14 of bear hides and parts taken on Federal lands in Alaska  
15 would provide incentive for illegal hunting and illegal  
16 sales.

17  
18 This proposal seeks a major change in the  
19 approach to black and brown bear management in Alaska.  
20 Such a change could be expected to impact a wide variety  
21 of related programs and regulations.

22  
23 Given the commercial aspects of this  
24 proposal and the legal and jurisdictional issues it may  
25 be most appropriate for the proponent to work with the  
26 Alaska Board of Game to address his concerns.

27  
28 Due to the cultural, biological and  
29 jurisdictional concerns associated with this broad  
30 statewide proposal the preliminary Staff Conclusion is to  
31 oppose the proposal. It is recommended that the Federal  
32 regulations be aligned with State regulations concerning  
33 the sale of handicraft items such as the use of black  
34 bear fur.

35  
36 This concludes the summary of this  
37 analysis. We welcome your comments and questions. Thank  
38 you, Mr. Chair.

39  
40 CHAIRMAN MIKE: Agency comments. Jim,  
41 did you want to say something?

42  
43 MR. WILDE: (Shakes head negatively)

44  
45 CHAIRMAN MIKE: Agency comments.

46  
47 MR. HAYNES: Mr. Chairman, the Alaska  
48 Department of Fish and Game comments are on Page 44. And  
49 the Department does not support the proposal. We do  
50 support the Staff recommendation to align the State and

00091

1 Federal regulations.

2

3 MR. WILDE: Mr. Chairman.

4

5 CHAIRMAN MIKE: Jim.

6

7 MR. WILDE: I would like to make a motion  
8 to defer this because of Craig's, the pro's and cons to  
9 this are both absent. Craig's excused and I just say we  
10 defer it, there's no rush. I make a motion to that  
11 effect.

12

13 MS. ENTSMINGER: I'll second that.

14

15 CHAIRMAN MIKE: Hold on a moment and let  
16 me consult the parliamentary expert here.

17

18 (Pause)

19

20 CHAIRMAN MIKE: Okay. Well, we just had  
21 a question of whether the rest of the Regional Advisory  
22 Councils will take final action at their regularly  
23 scheduled meetings this winter and will the Board will  
24 take final action this spring?

25

26 MR. KRON: Again, the proposal will be in  
27 front of all 10 Regional Councils. And, you know, at  
28 this point your meeting is fairly early in that process,  
29 we're not sure what the other Regional Councils will  
30 recommend. I think it would probably make sense to hear  
31 out whatever comments you have here, you know, take your  
32 action. Again, the proponent was from your Regional  
33 Council so it would seem that your perspective is going  
34 to carry a lot of weight in the process. But at this  
35 point it's in front of all 10 Regional Councils and I'm  
36 not sure what direction things will head.

37

38 Thanks.

39

40 CHAIRMAN MIKE: Virgil.

41

42 MR. UMPHENOUR: But the Board will take  
43 this up in their meeting in May and they will more than  
44 likely take action, is that what the procedures would be?

45

46 MR. KRON: Again, this proposal will be  
47 before the Board in May, you're correct there. But I'm  
48 not sure how they would proceed. Again, it will have to  
49 go -- all of the comments from the 10 Regional Councils  
50 will be considered, the Staff Committee recommendation



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1 will be considered and I don't know what they will do.

2

3 Thank you. Mr. Chair, Virgil.

4

5 CHAIRMAN MIKE: Virgil.

6

7 MR. UMPHENOUR: I don't mind deferring it  
8 because the proposer's not here and he's from this  
9 Council. I would have liked to have heard what he said.  
10 Personally I would be against this and one point that  
11 hasn't been brought up that I think is an important  
12 point. Both of these animals come under the CITES  
13 International Treaty and this would have international  
14 ramifications with all the countries signatory to the  
15 treaty for endangered species and especially the brown  
16 bear would. I think it would cause a gigantic  
17 international conflict, especially over the brown bear  
18 but that's my personal opinion. The black bear I don't  
19 think it would be so much. But I do know that the black  
20 bear CITES requirement, if you're going to ship a bear  
21 part or a bear hide out of the country, it's very  
22 stringent. I do know that.

23

24 We had problems here, I don't know, three  
25 or four years ago, Jerry could probably elaborate on  
26 that, where we -- the Fairbanks office couldn't even  
27 issue those permits for a short period of time, they had  
28 to come out of Anchorage or someplace else. But I do  
29 know that that would be a big problem if that happened.

30

31 CHAIRMAN MIKE: Okay, before we get any  
32 further, I'd like to ask one of the Staff Committee  
33 members get up here and discuss the deferment as far as  
34 what the Federal Subsistence Board will be doing as far  
35 as -- I know the Board weighs heavily on the Council's  
36 recommendations, so if we defer it with justification  
37 they might be able to defer the proposal. But if we can  
38 have a Staff Committee or the Office of Subsistence  
39 Management people up here.

40

41 MR. BRELSFORD: Thank you, Mr. Chairman.  
42 I think the starting point here is exactly as Tom said,  
43 is that, we know that the Board will address this  
44 proposal. But all of us take a chance in predicting  
45 where the Board would come out. Having said that, I  
46 think it's fair to speculate a little bit here for your  
47 benefit. In the fact of a difficult issue and  
48 differences among the 10 Councils, when the Councils are  
49 not aligned or a consensus on a specific approach, the  
50 Board has typically gone slow and they would not take

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1 dramatic action or not adopt a dramatic change in the  
2 face of differences of opinion among the Councils or a  
3 high-risk proposal. So I think we can safely say that  
4 this is a proposal that brings some risks with it having  
5 to do with international conservation regimes, having to  
6 do with perhaps not all 10 Regional Councils see things  
7 in the same fashion. I read this as one where the  
8 Board's going to want to be a little cautious about it.

9  
10 Now, whether they would reject it or  
11 adopt the compromise that's in the Staff work in  
12 relationship to brown bear handicrafts -- or pardon me,  
13 black bear handicrafts or defer the whole thing, that, I  
14 don't feel like we can safely predict the Board's action  
15 but I think we can say they will be cautious with this  
16 proposal because there are a lot of kind of entanglements  
17 and it's not a situation in which they're going to kind  
18 of jump ahead of the Regional Councils or of the  
19 conservation questions. I think that's the best I can do  
20 for you in terms of what we, in the Staff Committee,  
21 might look at very carefully as we prepare  
22 recommendations for the Board.

23  
24 Thank you.

25  
26 CHAIRMAN MIKE: Thank you, Taylor. My  
27 advice -- well, I would suggest that the Council go on  
28 with agency comments and public comments and during the  
29 Council deliberations we can decide what to do. So Sue.

30  
31 MS. ENTSMINGER: Do you want to take the  
32 motion off the floor.

33  
34 CHAIRMAN MIKE: Yes.

35  
36 MS. ENTSMINGER: I'll withdraw my second.

37  
38 CHAIRMAN MIKE: The second is withdrawn.  
39 Jim.

40  
41 MR. WILDE: I'll withdraw it.

42  
43 CHAIRMAN MIKE: Okay, Jim. I think we'll  
44 just continue on with agency comments. Devi.

45  
46 MS. SHARP: Devi Sharp representing  
47 Wrangell-St. Elias Subsistence Resource Commission. The  
48 Wrangell-St. Elias Subsistence Resource Commission  
49 opposes this proposal based on legal, cultural and  
50 biological concerns.

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1 CHAIRMAN MIKE: Virgil.

2

3 MR. UMPHENOUR: What is the Park  
4 Service's legal concerns?

5

6 MS. SHARP: I think you articulated it  
7 pretty well, with the CITES concern, that's one. And the  
8 other one is enforcing how a person took a bear and how  
9 the parts are used, because there are multiple ways --  
10 this would provide for multiple ways to take a bear and  
11 then multiple uses and the potential for misunderstanding  
12 or not being clear on how the bear was taken, under which  
13 regulation.

14

15 MR. UMPHENOUR: Thank you.

16

17 CHAIRMAN MIKE: Sue.

18

19 MS. ENTSMINGER: Yeah, I'd like to bring  
20 up something on the CITES. Wolves are on CITES and lynx  
21 are on CITES and I sew fur and I have a \$4 piece of lynx  
22 key chain and it is sold and it comes under the CITES for  
23 someone to take it to Germany or into Canada, even an  
24 American that purchases this thing and drives across the  
25 border, and I went through the chain of command to find  
26 out, you know, what did people do because there's a \$125  
27 permit for a CITES animal, to transport, even a part of.  
28 And I got a letter back saying that if it's under \$250  
29 they can transport it as personal whatever. I'm not sure  
30 exactly the word but it's something about their personal  
31 things that they're taking with them in their luggage.  
32 So, you know, the CITES concern, you probably ought to  
33 bring stuff to us in the future on that so we know.  
34 Because I was really concerned that I make wolf things  
35 that are \$450 or \$575 hats that go to Asia and to Germany  
36 and they were making those people -- and those people  
37 would have to buy a \$125 CITES permit to take it to their  
38 country. And if they bought 10,000 of them they'd still  
39 only have to have one \$125 CITES permission. It's kind  
40 of strange but I don't know, we don't want to get into  
41 that but I don't really see it as a problem. I wish  
42 Craig was here to speak to more of what he had in mind.  
43 Because me, as a skin sewer, I would love to be peddling  
44 -- if I could sell something -- make something out of a  
45 grizzly bear and sell it, that'd be great, legally taken  
46 bear.

47

48 But it comes down to people thinking that  
49 you're just going out there and shooting all these bears  
50 and you can't -- it's an honesty thing. It's just like

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1 we were running into before. This is not a question, I  
2 apologize for getting off on that.

3

4 CHAIRMAN MIKE: Jay.

5

6 MR. STEVENS: Yeah, Mr. Chair. I don't  
7 have a question directed directly at you and I'm not sure  
8 if I should do this, but Craig and I both sit on the  
9 moose management committee up in the Yukon Flats, and  
10 we're working on moose population up there which is  
11 declining and has been declining for some time. We've  
12 hashed out a lot of different ideas, thoughts as to how  
13 to adjust the declining moose. And I believe, I did miss  
14 a couple of meetings there but I do believe that Craig's  
15 thinking here was to increase the incentive for people  
16 out there on the flats to be harvesting these animals. I  
17 live approximately 180 miles down river from Craig and in  
18 my area, in my fish camp, you can see up to six, seven,  
19 eight bears in one day, different bears, not the same  
20 one. Brown bears are a -- we haven't seen them for a  
21 long time but they're coming back. And they are one of  
22 the main reasons for a lot of the calf mortality out  
23 there. So I do believe Craig's incentive here is -- or  
24 idea here is to make it more of an incentive for people  
25 to be out there harvesting these animals.

26

27 I don't think I should answer any more  
28 than that on Craig's behalf because I don't know. But  
29 I'm pretty sure that's where this is coming from.

30

31 CHAIRMAN MIKE: Virgil.

32

33 MR. UMPHENOUR: Well, I have something to  
34 say about bear bag limits. I've had people, like the  
35 Commissioner of Fish and Game, told me just, not 10 days  
36 ago when we were discussing the subject of bear predation  
37 and how could hunters harvest more bears and I told him,  
38 well, the methods and means is messed up. Because we  
39 have places where we can bait bears so that it makes it  
40 easier for hunters to get a black bear. In the spring  
41 when it's daylight all night long then that works because  
42 you can shoot 24 hours a day. But in the falltime, where  
43 there's some places you can bait black bears it doesn't  
44 really do you much good and the reason why is because the  
45 bears are not stupid, they're smart. And so they come to  
46 the baits at night. The State has a regulation where you  
47 can't use a night vision scope or any kind of artificial  
48 light or anything else to hunt with. If a hunter could  
49 use a night vision scope, which is currently prohibited,  
50 then you could actually increase the efficiency of a

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1 hunter and they could take bears during -- at night with  
2 a Starlight Scope.

3

4 I throw that in because this proposal is  
5 directed at a higher harvest of bears. And I do know for  
6 a fact from using those type of scopes, extremely  
7 extensively in the military, that I could shoot one at  
8 600 yards and kill him every shot. And, of course,  
9 they're expensive but if someone really wants to kill  
10 bears, that would be the way to do it. Just be allowed  
11 to use night vision scopes at night in conjunction with  
12 bait or gut piles or whatever. But if you could use  
13 those at night you could get extremely effective at  
14 killing bears and actually harvest what the limit is on  
15 black bears, which is three a year.

16

17 Mr. Chair.

18

19 CHAIRMAN MIKE: Do we have any other  
20 agency comments? Sue.

21

22 MS. ENTSMINGER: Yeah, I wanted to ask  
23 Devi one more question, the SRC voted one this one,  
24 against it?

25

26 MS. SHARP: Yes, that's correct.

27

28 MS. ENTSMINGER: And the reason they did?

29

30 MS. SHARP: The SRC didn't feel  
31 comfortable with -- I'm trying to articulate it, they  
32 didn't want to open up the possibility of selling bear  
33 gall bladders and changing the regulations that we have  
34 now. They feel that they work fine. And recognizing the  
35 desire for predator control, they feel like there's ample  
36 opportunity for people to take bear. And they clearly  
37 said, no, we don't want to go there, we don't want to  
38 change that regulation.

39

40 MS. ENTSMINGER: They didn't discuss the  
41 black bear articles made from them that were sold in the  
42 state and dealing with.....

43

44 MS. SHARP: No, they didn't.

45

46 MS. ENTSMINGER: Okay.

47

48 CHAIRMAN MIKE: Further agency comments.

49 Virgil.

50

00097

1 MR. UMPHENOUR: Well, we have to make a  
2 decision. We had a motion previously to defer.

3  
4 MR. WILDE: It's been rescinded.

5  
6 MR. UMPHENOUR: Right, I know that. But  
7 what I'm saying is we're at the point where we're going  
8 to need to make a decision. We either need to take no  
9 action, defer it, vote it up or vote it down. That's our  
10 choices, the way I see it.

11  
12 MS. ENTSMINGER: We have to put it on the  
13 floor, right?

14  
15 MR. UMPHENOUR: No, it's on the floor.  
16 The proposal is on the floor.

17  
18 MS. ENTSMINGER: That's correct?

19  
20 MR. UMPHENOUR: And so we have to do  
21 something with the proposal and we have three or four  
22 choices. So I'm in favor of deferring it because the  
23 proposer is not here. It's very controversial. And I  
24 suspect that the Board probably will not take final  
25 action on it when they meet in May, myself, if we defer  
26 the proposal for further analysis.

27  
28 Mr. Chair.

29  
30 CHAIRMAN MIKE: Thank you, Virgil. From  
31 there, if there's no other agency comments, we can go to  
32 written -- public comments. Stanley Ned from TCC.

33  
34 MR. NED: For the record my name is  
35 Stanley Ned representing Tanana Chiefs in Fairbanks. As  
36 you know, I'm from the Koyukuk River and on the Koyukuk  
37 River we are opposed to any kind of bear sales of bear  
38 parts because of our cultural and practices. And we feel  
39 really strongly that we can't support any kind of  
40 proposal like that.

41  
42 But the other thing it could do, too, is  
43 open up illegal hunting for the gall bladders. As you  
44 know, the gall bladder parts are pretty high and we have  
45 a lot of people that will probably break the law and  
46 doing it. For those reasons we're opposed to it.

47  
48 MS. ENTSMINGER: Do your people talk  
49 about the current regulation, that Black bear can be  
50 sold, of handicraft items?

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1 MR. NED: I think it was taken to court a  
2 couple of years ago, a CITES case and, you know, it was  
3 thrown out there. So we know that there's people in  
4 certain parts of the state that would probably go for it,  
5 but in the Koyukuk River we're totally opposed to it.

6  
7 If you watch the movie -- or not the  
8 movie but the Bears to the Raven, you'll know why I think  
9 -- Virgil knows pretty much about that.

10  
11 CHAIRMAN MIKE: Thank you, Mr. Ned. Any  
12 other questions? We didn't have any other public  
13 comments. We have three written public comments.

14  
15 Public comment from the Wrangell-St.  
16 Elias National Park. The Wrangell SRC opposes this  
17 proposal based on legal, cultural and biological  
18 concerns.

19  
20 Colonel Joel Hard, director of the State  
21 of Alaska, Department of Public Safety is opposed to the  
22 proposal because we believe that allowing the sale of  
23 bear parts will increase illegal take and waste of bears.  
24 Will exacerbate the Black Market issues and will go  
25 against North American trend that is more restrictive  
26 concerning sale and is not consistent with customary and  
27 traditional practices. The Department of Public Safety  
28 is opposed to Proposal No. 1 which would reclassify brown  
29 bear and black bears as furbearers and allow the sale of  
30 bear parts.

31  
32 Glen Alsworth of Port Alsworth supports  
33 the proposal. I am in favor of adopting the new wording  
34 changing the regulation. My belief is that any time that  
35 a subsistence user can derive more benefit from legally  
36 taken subsistence resources, the better.

37  
38 That's all the written public comment.

39  
40 Regional Council deliberations.

41  
42 Tricia.

43  
44 MS. WAGGONER: I've spoken at length, but  
45 a long time ago with Craig about this issue, and in  
46 discussing this issue a long time ago we hadn't discussed  
47 brown bear but we had discussed black bear. And under  
48 current regulations, you know, you have to take either  
49 the meat or the hide. It was a discussion, you know,  
50 about black bears, you know, if people do take a black

00099

1 bear and they take it for the meat and you have a hide  
2 that sits there because not everybody wants to go out and  
3 have, you know, three black bear hides a year tanned and  
4 hung on the wall and there's nothing that they can do  
5 with them. And at that point in time we discussed making  
6 them furbearers.

7

8 I don't know how many -- and I think you  
9 said 88 proposals in the Board of Game packet here for  
10 the State, 14 of those are either reauthorizing tag  
11 exemption fees or liberalizing either black bear or brown  
12 bear seasons. We have extremely liberal seasons,  
13 especially in intensive management areas on the State  
14 side and it still is not, in essence, affecting the  
15 population too much in a lot of those areas.

16

17 I would like to defer this proposal to  
18 have Craig's input. But I would also like to go on  
19 record as saying I strongly support allowing the sale of  
20 just strictly black bear hides and not parts and would be  
21 negating the brown bear portion.

22

23 CHAIRMAN MIKE: So we need a motion on  
24 the floor then for Proposal No. 1.

25

26 MS. WAGGONER: I'll move that we  
27 recommend to the Federal Board that we -- well, I move  
28 that the Council defers this proposal based on the  
29 special circumstances of Mr. Fleener until such time as  
30 we have Mr. Fleener present to discuss it and that we  
31 also pass along that recommendation to the Federal Board.

32

33 MR. STEVENS: I'll second that.

34

35 CHAIRMAN MIKE: It's been moved to defer  
36 Proposal No. 1 and seconded by Jay to defer until such  
37 time that the proponent is available for further  
38 comments.

39

40 MR. WILDE: Call for the question.

41

42 CHAIRMAN MIKE: The question's been  
43 called. All those in favor of Proposal 1, to defer it,  
44 say aye.

45

46 IN UNISON: Aye.

47

48 CHAIRMAN MIKE: All those opposed same  
49 sign.

50



00100

1 (No opposing votes)

2

3 CHAIRMAN MIKE: Proposal 1 has been  
4 deferred. Sue.

5

6 MS. ENTSMINGER: I would like to make a  
7 motion that we support the Staff's conclusion that we  
8 align the seasons, the Federal season with the State  
9 season for the sale of handicraft black bear.

10

11 MR. UMPHENOUR: Second.

12

13 CHAIRMAN MIKE: It's been moved and  
14 seconded to align the State season for the sale of black  
15 bear hides?

16

17 MS. ENTSMINGER: As handicrafts.

18

19 CHAIRMAN MIKE: As handicrafts. The  
20 second's been called?

21

22 MR. UMPHENOUR: I called -- I seconded  
23 it.

24

25 CHAIRMAN MIKE: Okay. All those in favor  
26 of the motion say aye.

27

28 IN UNISON: Aye.

29

30 CHAIRMAN MIKE: All those opposed same  
31 sign.

32

33 (No opposing votes)

34

35 MR. SHERROD: Mr. Chair, point of  
36 clarification that's not the season, it's the definition?

37

38 MS. ENTSMINGER: Uh-huh.

39

40 CHAIRMAN MIKE: Tom.

41

42 MR. KRON: We do not currently have a  
43 definition.

44

45 CHAIRMAN MIKE: And this is in regards to  
46 black bears -- fur?

47

48 MR. KRON: Black bear fur.

49

50 CHAIRMAN MIKE: Black bear fur, okay.

00101

1 MR. KRON: Mr. Chair, Ms. Entsminger. I  
2 guess a comment. Again, within the definition section,  
3 the thinking was to include the definition of handicraft  
4 consistent with what's in the State's regs but, again,  
5 you'll note at the end it would basically link it back  
6 directly to the black bear fur issue. We do not,  
7 currently, in Federal regulations have a definition for  
8 handicraft. And at this time, you know, we're unclear as  
9 to how it might be used with other species, with other  
10 subsistence resources and it seemed for the time being,  
11 anyway, to just link it directly to the black bear issue.  
12 People may want to change things in the future, but  
13 that's -- that -- it was the way it was laid out there.

14  
15 Thank you.

16  
17 CHAIRMAN MIKE: Virgil.

18  
19 MR. UMPHENOUR: I'd like to ask a  
20 question of the appropriate Staff because I know this  
21 takes place. I know that in Northwest Alaska, that  
22 subsistence users up there actually make mukluks, ruffs  
23 and mittens out of polar bear and sell them and so how do  
24 they do that then if we can't do that with black bear?

25  
26 CHAIRMAN MIKE: Sue.

27  
28 MS. ENTSMINGER: They're marine mammals,  
29 they're legally taken.

30  
31 MR. UMPHENOUR: I know they're legally  
32 taken but the black bears are legally taken, too, so why,  
33 if they can do it with polar bear, why can't you do it  
34 with black bear?

35  
36 MR. SHERROD: Marine mammals are not  
37 covered under ANILCA. They're handled under the Marine  
38 Mammal Act. I mean it's true up to the point, all the  
39 way through and, Tom, correct me if I'm wrong, until  
40 State basically lost management of marine mammals, polar  
41 bear were still considered a fur bearer. And in our  
42 program, we don't manage marine mammals as handled under  
43 the Marine Mammal Act and that's the difference between --  
44 different Federal laws, as illogically as that may  
45 sound.

46  
47 MR. UMPHENOUR: Thank you.

48  
49 MS. ENTSMINGER: And sea otter is also?

50

00102

1 MR. SHERROD: That's correct.

2

3 MS. ENTSMINGER: Okay.

4

5 CHAIRMAN MIKE: Taylor.

6

7 MR. BRELSFORD: Mr. Chairman, thank you.

8 The points that George makes are exactly right. The  
9 foundation for that, the reason that these are different  
10 is not illogical, it's the fact that marine mammals are  
11 part of international conservation regimes. These are  
12 species that travel between the jurisdictions of nations  
13 and as a consequence there are international treaties  
14 that are then implemented in each country. So the  
15 Federal Subsistence Board does not have jurisdiction on  
16 species that have been managed under international  
17 treaties. Marine mammals are managed under international  
18 treaty.

19

20 And as you probably all know, the Marine  
21 Mammal Protection Act exempts non-wasteful Native  
22 harvest. The beneficiary group, the subsistence user  
23 group for marine mammals is Alaska Native and that  
24 includes the opportunity to produce handicrafts. There  
25 have been disputes in the past about what's a real  
26 handicraft and what is not but that's really a separate  
27 problem.

28

29 The answer to your question, Virgil, is  
30 that it all descends from the International Treaty and  
31 the opportunities are provided for Alaska Native users of  
32 those marine mammals.

33

34 Thanks.

35

36 CHAIRMAN MIKE: Tom.

37

38 MR. KRON: One final comment. Mr.  
39 Umphenour, I guess again, what we try to do in the  
40 analysis is try to bring out information for your use,  
41 try to dig into things to find out what is able and what  
42 is not. And I guess I wanted to point out at the bottom  
43 of Page 29, there is some initial information about the  
44 CITES classifications for both brown and black bear, and  
45 then again up on the top of Page 36, under the effects  
46 section, there's some additional information on CITES  
47 that we were able to get.

48

49 The information that Ms. Entsminger  
50 brought forward relative to the dollar values and CITES

00103

1 was something that I did not get. And it sounds like,  
2 depending on where you want to go with this we'll need to  
3 do some more digging on those kinds of issues. But there  
4 is some information here on the CITES issue.

5

6 Thank you.

7

8 CHAIRMAN MIKE: Sue.

9

10 MS. ENTSMINGER: Yeah, regarding the  
11 deferral of the proposal. I'm really interested in  
12 hearing what Craig has to say and interested in seeing --  
13 you know, I like to believe that people are honest and  
14 they're taking -- legally taken animals and that they can  
15 take like the polar bear and cut up a grizzly bear or a  
16 brown bear and make articles of it and sell it so I'm  
17 real interested in hearing that. And then he would have  
18 another opportunity to put it in in another year; is that  
19 correct?

20

21 CHAIRMAN MIKE: Tom.

22

23 MR. KRON: Mr. Chairman, Ms. Entsminger.  
24 With the deferral, if that is what the Board decides to  
25 do, it would basically be deferred, you know, logically  
26 until Mr. Fleener was able to come back and speak to his  
27 proposal. You know, that seems like a reasonable  
28 approach. But, again, we're not sure what ultimately is  
29 going to happen. We're not sure what the other Regional  
30 Councils are going to do. But when we defer a proposal,  
31 it basically is carried forward, in tact, until, you  
32 know, a certain time and, you know, we try to be specific  
33 about, you know, one or two years or a certain event.

34

35 MR. SHERROD: I'd add, too, that this is  
36 a yearly cycle. And Mr. Fleener's absence is not totally  
37 of his own will. He can resubmit this and hopefully at  
38 that time, you know, if the Board opts not to defer it,  
39 he can resubmit it, he can resubmit it making it two  
40 proposals, he could bring forth more evidence so he has  
41 the opportunity to have this issue looked at again. And  
42 obviously there are some bits and pieces that -- you  
43 know, we have a very limited amount of time to pull these  
44 things together. It sounds like there may be some  
45 additional information that could be brought forward to  
46 deal with this.

47

48 CHAIRMAN MIKE: Tom.

49

50 MR. KRON: I guess some additional

00104

1 clarification, again, after September 11th, Mr. Fleener  
2 was called up to defend our country. He spent a fair  
3 amount of time in Guam. Initially we had trouble getting  
4 a hold of him. We always try to get back to the  
5 proponent on proposals. Several weeks ago when Craig  
6 came back from Guam, that very same day I was able to  
7 talk to him, was able to fax him a copy of the analysis,  
8 he was able to look at it. You know, I asked him what  
9 his wishes were at that point and he said he wanted it to  
10 go forward as a statewide proposal for review by all the  
11 10 Councils. And, again, I think, you know, I tried to  
12 be careful when I presented the proposal and in the  
13 analysis to be clear about what his intent was in that  
14 regard. But at that point he thought he was -- he had  
15 actually requested leave to be able to come to the  
16 meeting and we thought he was going to be here yesterday  
17 but something must have come up.

18

19 Thank you.

20

21 CHAIRMAN MIKE: Tricia, then Sue.

22

23 MS. WAGGONER: I just think, you know,  
24 maybe as a Council we could make a recommendation to the  
25 Federal Subsistence Board that even they defer it until  
26 Craig has the opportunity -- I think he's taken a very  
27 important step and a very brave one to move forward with  
28 this proposal, especially on a statewide basis and I  
29 think with him being on this Regional Council, that we  
30 try to protect Craig's interest in requesting that the  
31 Federal Board also defer it until Craig is available.

32

33 CHAIRMAN MIKE: Sue.

34

35 MS. ENTSMINGER: I just wanted to point  
36 out that the black bear regulation, on the State  
37 regulations now, was initiated by a Native lady from  
38 Tanacross. That all the years that she -- you know,  
39 there's a lot of black bears in the area and she wanted  
40 to see them to be able to sell it and they compromised  
41 the selling of the claws and not being able to do that.  
42 And we were kind of shocked that it originally passed in  
43 the State. So it's kind of nice to see that happen, too.  
44 There's a three bear limit in the area and they have a  
45 chance to make things out of it and sell it.

46

47 CHAIRMAN MIKE: Okay, I think we're done  
48 with Proposal 1 and we can move on to Proposal No. 17.  
49 Proposal 17 is to close Federal lands to non-Federally-  
50 qualified users. Pete.

00105

1 MR. DeMATTEO: Members of the Council.  
2 Proposal 17, you'll find the analysis begins on Page 61.  
3 And again, this is an overlap proposal as it was  
4 submitted by the Southcentral region. It was submitted  
5 by the Copper River Native Association who requests that  
6 the Federal public lands in Unit 13(A) and (B) be closed  
7 to the taking of caribou and moose except by Federally-  
8 qualified subsistence users.

9  
10 The proponent requests closing Federal  
11 public lands in those two subunits to the taking of  
12 caribou and moose for the reasons justified that it would  
13 help further protect subsistence users from competition  
14 from non-Federally-qualified subsistence users.

15  
16 Again, since this is not mainly in your  
17 region, it's important to look at the land status and  
18 you'll find that on Page 62. Halfway down the page it  
19 says the extent of Federal public lands in Unit 13(A)  
20 comprise one percent of all of 13, while in Unit 13(B)  
21 Federal lands make up almost eight percent of the  
22 subunit. These lands include areas along the Richardson  
23 Highway, the Denali Highway managed by the BLM and a very  
24 small parcel of Wrangell-St. Elias National Preserve off  
25 of the Tok cutoff Road. Again, just like in the previous  
26 proposal, I mentioned that it's important to note that  
27 there's very little Federal public land in Unit 13 within  
28 the range of the Nelchina Caribou Herd.

29  
30 Just below that you'll see the customary  
31 and traditional use determination. This proposal is  
32 going before you for review because it affects people  
33 within your region. And in Unit 13(A) it affects  
34 residents of Unit 12 along Nabesna Road, in 13(B) it  
35 affects residents along Nabesna Road -- I mean residents  
36 of Unit 12 along Nabesna Road for Unit 13(B). Unit 20(D)  
37 except Ft. Greely. That's for caribou. For moose, the  
38 customary and traditional use determination for moose is  
39 for Unit 13(A), it affects residents of Slana. And for  
40 13(B) residents of 20(D) except for Ft. Greely and Slana.  
41 And that is why this proposal is going before you today  
42 for review because it affects those communities within  
43 your region.

44  
45 The take of caribou and moose within Unit  
46 13(A) and (B) is mostly under the State Tier II hunt.  
47 The Federally-qualified subsistence users will be able to  
48 hunt on Federal public lands without competition for the  
49 resources if this proposal is adopted by the Federal  
50 Board. The same conservation concerns that we mentioned

00106

1 before for the Nelchina Herd also ring through in this  
2 proposal. But this proposal also deals with moose. The  
3 current population status for moose within these areas,  
4 the population declines in the Nelchina Basin have  
5 continued through the present affected mostly by severity  
6 of winters declining adult cow population and low calf  
7 survival. In 13(A) the adult cows have declined  
8 approximately 56 percent since '94 primarily due to poor  
9 calf survival. And 13(B), cow moose density is 38  
10 percent historical highs but the adult cow population has  
11 declined 26 percent since 1991.

12

13                   The bull/cow ratio in Unit 13 is  
14 currently below the current management objective which is  
15 25 to 30 bulls per 100 cows.

16

17                   The Department of Fish and Game overall  
18 moose population goal for Unit 13 is to increase the  
19 population to 20,000 to 25,000 moose and to be able to  
20 increase the harvest to 1,200 to 2,000 animals annually.  
21 Currently the population is estimated to still be  
22 declining.

23

24                   If we look at the harvest of moose in  
25 13(A) and (B) on the State side, total moose reported  
26 harvested for Unit 13, all of 13, has consistently been  
27 around a thousand animals between the years of 1993 and  
28 1998. However, the 1999/2000 season the harvest declined  
29 about 27 percent down to 689 moose taken. This is  
30 attributed to State management. Objectives have changed.  
31 They shortened the season. The new season is one through  
32 20 and they also enforce a spike-fork 50-inch regulations  
33 and this contributed to the low harvest.

34

35                   On the Federal side, the Federal  
36 subsistence -- Federal users can harvest moose August 1st  
37 through September 20th, well into the State season, the  
38 seasons are August 15th through 31st under the Tier II  
39 permit or September 1 through 20 under the general  
40 season, giving the Federal hunter 15 days head start on  
41 the harvest without competition from non-Federal users.  
42 Another advantage for the Federal subsistence users, the  
43 availability of any antlered bull under Federal hunting  
44 regulations while the State, recently, back in March  
45 2001, the Board of Game raised the requirement for State  
46 hunters from three brow-tines to four brow-times,  
47 effectively eliminating about half of the antler bulls  
48 from the legally huntable population.

49

50                   Do you want to add anything at this

00107

1 point?

2

3

MR. SHERROD: Well, I think -- again, this is a team approach, but I think to highlight what Pete just said, the reason that this proposal was put forward was to provide additional opportunity. I think it's important to highlight the fact that we have, in the area of caribou, you have two caribou as opposed to one caribou. In terms of moose, you've got almost a little over a month extra season and it's any bull as opposed to spike-fork in one component, four brow-tines in the other. So there is, to some degree, an advantage there or a preference.

14

15

MR. DeMATTEO: Members of the Council, with that, the preliminary conclusion for this proposal is to oppose the proposal. You'll find the justification on Page 69.

19

20

Number 1 reason, closing limited amount of Federal lands in Unit 13(A) and (B) to non-Federally qualified users would not lessen the overall harvest so would not necessarily assure that continued viability of either caribou or moose populations in the region.

25

26

With that, I'll stop there. Thank you.

27

28

CHAIRMAN MIKE: Agency comments. I think we'll start with the State and then the Park Service, BLM and BIA.

31

32

MR. HAYNES: Mr. Chairman, the Department's comments are on Page 72. The Department opposes this proposal for some of the reasons that George and Pete gave to you. It would create enforcement problems, there's little Federal public lands in the area. There's already additional opportunities under the Federal regulations for Federally-qualified moose and caribou hunters. And any time that Federal public lands are closed to non-Federally qualified subsistence users, those non-Federally qualified subsistence users go someplace else to hunt and in some cases it may be that they would go to other public lands and create competition with other Federally-qualified subsistence users. So we haven't seen evidence that there's a need to close the Federal public lands in this case.

47

48

I'll also point out that on Pages 60 and 62 of the analysis there's reference to 1,500 Tier II moose permits being issued for the Unit 13 hunt, in fact,

50



00108

1 it's 150 permits and we'd like to request that that  
2 correction be made.

3

4 CHAIRMAN MIKE: Thank you, Terry. Does  
5 the Council got questions for Terry?

6

7 (Council shakes head negatively)

8

9 CHAIRMAN MIKE: We'll go with BLM.

10

11 MR. BRELSFORD: Thank you, Mr. Chairman.  
12 We actually did not have any additional comments. We  
13 believe that the analysis is on the mark. That the legal  
14 standard for closing Federal public lands is a fairly  
15 high standard and we need to operate carefully in a  
16 situation like this. And I think the data and the  
17 conclusion drawn is the appropriate one. Our efforts  
18 have been focused on providing more flexibility to the  
19 Federal hunt, not at this point trying to close the  
20 Federal public lands. So we support the Staff conclusion  
21 which is to reject or oppose the closure of Federal  
22 public lands at the present time.

23

24 Thank you.

25

26 CHAIRMAN MIKE: Tricia.

27

28 MS. WAGGONER: So am I right in my  
29 thinking, in that, if you have a Tier II permit from the  
30 State you can go onto the Federal public lands; is that  
31 correct?

32

33 MR. BRELSFORD: That is correct. Unless  
34 Federal public lands are closed by Board action they  
35 remain open to hunters hunting under State regulations.

36

37 MR. DeMATTEO: (Nods affirmatively)

38

39 MS. WAGGONER: Okay.

40

41 MR. BRELSFORD: The answer is yes.

42

43 MS. WAGGONER: Do we know how many moose  
44 harvested under the Tier II permit are taken within those  
45 Federal lands?

46

47 MR. DeMATTEO: Again, just like the  
48 previous proposal I mentioned, the harvest information  
49 just does not report it under that format. It would be  
50 nice to have though.

00109

1 CHAIRMAN MIKE: Anymore agency comments?  
2 Devi.

3  
4 MS. SHARP: The Wrangell-St. Elias  
5 Subsistence Resource Commission opposes this proposal  
6 based on the fact that it doesn't provide a significant  
7 advantage to subsistence users and creates a difficult  
8 law enforcement situation. If you look on Page 66 and 67  
9 you'll see that a good portion of the current caribou  
10 taken are taken by Federally-qualified users and a good  
11 portion of the Tier II permits are already Federally-  
12 qualified people. The Tier II permits have been cut back  
13 in the last few years and the C&T for Federal use has  
14 increased, thus decreasing the non-Federal users and  
15 increasing the Federal users. So the Subsistence  
16 Resource Commission didn't feel that there was a  
17 significant advantage to this restriction.

18  
19 CHAIRMAN MIKE: Thank you, Devi. Warren,  
20 do you have agency comments?

21  
22 MR. EASTLAND: The BIA concurs with the  
23 Staff Committee conclusion to oppose the proposal. From  
24 the analysis it appears that most of the competition and  
25 conflict occurs among already qualified Federal  
26 subsistence users so the closing of Federal lands to non-  
27 Federally qualified subsistence users would not  
28 contribute to the resolution of the problem.

29  
30 Thank you.

31  
32 CHAIRMAN MIKE: Do we have any other  
33 agency comments? Okay, we'll get into written public  
34 comments. We received two written public comments for  
35 Proposal 17.

36  
37 The Paxson Fish and Game Advisory  
38 Committee opposes Proposal 17 and they state this would  
39 make two classes of hunters and it would be an  
40 enforcement nightmare.

41  
42 The Wrangell-St. Elias Subsistence  
43 Resource Commission opposes this proposal because it does  
44 not provide a significant advantage to the subsistence  
45 user and creates a difficult law enforcement situation.

46  
47 We'll get into Regional Council  
48 deliberations. What is the wish of the Council? Does  
49 the Council wish to recess on this Proposal 17 or put a  
50 motion on the floor? Proposal 17.

00110

1 Tricia.

2

3 MS. WAGGONER: I move that we don't  
4 approve this proposal based on, I don't think it's going  
5 to really provide any additional subsistence opportunity  
6 or -- and it would create a logistical, legal nightmare  
7 as we discussed in the earlier proposal trying to figure  
8 out which blade of grass you're on, if it's Federal or  
9 State in that area and it's a very small area. So that's  
10 my motion.

11

12 MR. UMPHENOUR: Second.

13

14 CHAIRMAN MIKE: It's been moved and  
15 seconded to oppose Proposal 17. All those in favor of  
16 Proposal 17 oppose, say aye.

17

18 IN UNISON: Aye.

19

20 CHAIRMAN MIKE: All those -- just a  
21 minute -- all those in favor, same sign.

22

23 (No opposing votes)

24

25 CHAIRMAN MIKE: Proposal 17's been  
26 adopted to oppose. We'll get into the next proposal, 19,  
27 Pete.

28

29 MR. SHERROD: No, I've got that one. All  
30 right, I'm going to try to be brief so we can move  
31 through this, fairly quickly.

32

33 Proposal 19 was submitted by the  
34 Wrangell-St. Elias National Park and it would allow one  
35 moose without calf to be taken in Wrangell-St. Elias  
36 National Park, in either Units 11 or 12 by two hunters  
37 designated by the Mount Sanford Tribal Consortium for the  
38 annual Batzulnetas Cultural Camp.

39

40 For the past five years, the Board,  
41 through special action, has authorized the taking of  
42 moose to allow individual at the Batzulnetas Cultural  
43 Camp to use moose in their cultural education process.  
44 In this proposal, in effect, would make that an ongoing  
45 authorized taking of a moose as opposed to going through  
46 a special action.

47

48 Recently the Board has adopted some  
49 additional language dealing with this question because  
50 this is not the only example where we get requests

00111

1 dealing with requests for potlatch moose, educational  
2 moose, cultural events. In the past the Board has dealt  
3 with these on a case by case basis. But because some of  
4 these have recurred so often, we have -- the Board has  
5 started to implement into regulation. However, in the  
6 case of the educational camp and if you look on Page 81,  
7 Appendix A, there was some additional language adopted  
8 which allows the Office of Subsistence Management to  
9 issue a permit for wildlife and shellfood to qualified  
10 educational programs to an organization that has been  
11 granted a Federal subsistence permit for a similar within  
12 the previous five years. So if they go on a -- if they  
13 apply for a permit and it's been granted once through  
14 Board determination then the Board -- or the Office of  
15 Subsistence Management can reissue a permit without going  
16 through any Board action.

17

18 So for that reason the Staff conclusion  
19 is to oppose this proposal, not because of what they're  
20 asking but because we have created a mechanism to make it  
21 more efficient in terms of authorization.

22

23 That's it. Questions.

24

25 CHAIRMAN MIKE: Tricia.

26

27 MS. WAGGONER: Based on the proposal,  
28 would the Park Service still have the ability to deny the  
29 permit if there was a -- in times of extreme shortage  
30 or.....

31

32 MR. SHERROD: Conservation concern?

33

34 MS. WAGGONER: Yeah.

35

36 MR. SHERROD: All of our regulations  
37 basically are based on making sure we do not violate our  
38 conservation concerns. I mean conservation concerns  
39 become -- or are the foundation of all of our decisions.  
40 So, yes, if there was a conservation concern the permit  
41 wouldn't be issued.

42

43 CHAIRMAN MIKE: Thank you, George.  
44 Agency comments, State.

45

46 MR. HAYNES: Mr. Chairman, the  
47 Department's comments on the proposal are on Page 82. We  
48 also oppose the proposal for the reasons that George  
49 gave, the justification for the Staff recommendation.  
50 It's not because we oppose the concept for the special

00112

1 permit it's just that there's another process in place to  
2 use for that, issuing those permits.

3

4 CHAIRMAN MIKE: Jay.

5

6 MR. STEVENS: How long does it take to  
7 issue a permit, are they going to get a permit the day  
8 they apply for one?

9

10 MR. SHERROD: Stipulated in Appendix A.

11

12 MR. DeMATTEO: Appendix A on Page 81,  
13 second paragraph, a qualifying program must have  
14 instructors, enrolled students, minimum attendance  
15 requirements and standards for successful completion of  
16 the course. Applications must be submitted to the Office  
17 of Subsistence Management 60 days prior to the earliest  
18 desired date of the harvest.

19

20 CHAIRMAN MIKE: Thank you, Terry. Agency  
21 comments. Tim.

22

23 MR. JENNINGS: I wanted to address the  
24 question about how long it took to permit through our  
25 office. Typically when the request comes in, under this  
26 current Board delegated authority to our office for the  
27 repeat request it's on the order of magnitude of about a  
28 week, where we turn around the request and get it sent  
29 back out. There is some coordination in this procedure  
30 with other agencies, touching base with the land manager,  
31 the Park Service or BLM and the other agencies involved  
32 with the program through the Inter-Agency Staff  
33 Committee.

34

35 CHAIRMAN MIKE: Jay.

36

37 MR. STEVENS: What's the minimum  
38 attendance number?

39

40 MR. JENNINGS: I don't understand the  
41 question, minimum attendance number?

42

43 MR. STEVENS: It says minimum attendance  
44 requirement. If only five students want to go and the  
45 number is six, I mean, are you going to say that those  
46 five students can't participate?

47

48 MR. JENNINGS: I'm not aware that that  
49 has ever become an issue with this particular camp or  
50 permit. I don't know if the Park Service has additional

00113

1 information about attendance, the number of students.  
2 This camp, I'm not personally familiar with how many  
3 students attend and we haven't really factored that into  
4 our decision. I mean it's there.

5  
6 I think Pete's point is we want to know  
7 something about the educational camp in terms of the  
8 purpose, how many students, just generally the nature of  
9 the camp purposes. In terms of the decision-making, once  
10 the Board has decided to go forward and issue a permit  
11 for the taking, the repeat requests now come to our  
12 office and we're looking at more in terms of is it  
13 established, the cultural camp established. Has it  
14 operated and been approved by the Board previously and is  
15 it still basically for the same purposes and intent that  
16 was previously brought before the Board.

17  
18 CHAIRMAN MIKE: Thank you, Tim. We have  
19 a representative from the Park Service who can further  
20 address that.

21  
22 MS. SHARP: Thank you, Mr. Chair. I'd  
23 like to first put on the hat of the person who wrote the  
24 proposal and the agency issuing the permit. In the past,  
25 the culture camp organizers would contact the Office of  
26 Subsistence Management who would write a special action  
27 or whatever was needed and then contact the National Park  
28 Service for a permit because if you're going to hunt out  
29 of season you need a permit for that activity and I would  
30 write a permit. And I thought that was an awfully  
31 cumbersome process because I usually got the request to  
32 write that permit at the last moment. And I would fax it  
33 up to the Chistochina Village Council and someone would  
34 sign it and they'd send it back. And when I wrote this  
35 proposal I did not know about the new regulations and, in  
36 fact, apparently last year the Office of Subsistence  
37 Management didn't recognize or remember these regulations  
38 either because last year it was the same hectic last  
39 minute they approve the action and then call us at the  
40 Park and get the permit.

41  
42 So I wrote this regulation for a number  
43 of reasons. One, because I felt like it really  
44 streamlined the request from the -- it comes from the  
45 Mount Tribal -- Mount Tribal Consortium which is the  
46 Mentasta Village Council and Chistochina. And we have a  
47 government to government relationship with the  
48 Chistochina Council. That is a relationship between our  
49 elder and their elder and their staff and their village  
50 that we will work with them. And we have some very

00114

1 prescribed ways that we work together and one of the  
2 things that we've agreed to do is to make their lives  
3 easier in regards to the bureaucratic red tape. I  
4 thought this would be an excellent opportunity to show in  
5 good faith that we wanted to eliminate the red tape, not  
6 knowing of this new regulation.

7  
8 And then I found out about the new  
9 regulation and then I thought, oh, well, that's great  
10 because this will make -- the new regulation will make it  
11 easier when, in fact, requiring those people to put in  
12 their request for permit 60 days in advance, tell who the  
13 instructors are and how many students they expect and the  
14 minimum number of students made me uncomfortable because  
15 I don't think that's necessarily culturally appropriate  
16 that we tell Katie John how to run her culture camp. It  
17 made me a little uneasy. And I request that -- and I  
18 will request the Federal Subsistence Board to do the same  
19 thing, to consider the special relationship that the  
20 National Park Service has with the Chistochina Village  
21 Council and in this case, not use this new regulation.

22  
23 And that's the end of my testimony as the  
24 proponent of this proposal.

25  
26 CHAIRMAN MIKE: Virgil.

27  
28 MR. UMPHENOUR: That's the same place she  
29 has her fishwheel, isn't it?

30  
31 MS. SHARP: Yes, it is.

32  
33 CHAIRMAN MIKE: Virgil.

34  
35 MR. UMPHENOUR: Thank you. I'm going to  
36 be in opposition to Staff comments and support National  
37 Park Service's position. Mr. Chair.

38  
39 MS. SHARP: I'd also like take the  
40 opportunity to say that the Wrangell-St. Elias  
41 Subsistence Resource Commission supported the proposal as  
42 written based on the same reasons. And a member of the  
43 Chistochina Village Council, one of the designated  
44 hunters, Joanal Hicks came in and testified requesting  
45 that this streamlined opportunity be implemented.

46  
47 CHAIRMAN MIKE: Tricia.

48  
49 MS. WAGGONER: Do you have factored in  
50 there anyway for reporting requirements of -- you know,

00115

1 it says one moose any sex without calf, that they report  
2 back  
3 what sex of moose they took?

4

5 MS. SHARP: I don't think it's written in  
6 the permit but because we go to culture camp we know.  
7 But we could put it in, that's a very good point and I  
8 don't think we ever thought to put it in because we do  
9 know. Actually I do think they're supposed to call us  
10 when they get a moose but we know, we can tell what we're  
11 eating.

12

13 CHAIRMAN MIKE: Sue.

14

15 MS. ENTSMINGER: I have the honor of  
16 being invited to the culture camp. And actually Katie  
17 said, you don't need to be invited every year, Sue,  
18 you're invited to come down. I take things down and help  
19 the kids to learn to do things and to help some of the  
20 other people. It's pretty heavily attended by the people  
21 and they actually bring elders, even from Upper Tanana  
22 villages to teach different things, drum making and how  
23 to take care of -- like Nina Charlie showed them how to  
24 take care of moose stomach, while the little ones were  
25 going like this, it was too cute. But at any rate, my  
26 question is, he wants to -- he wanted to know -- you want  
27 the proposal as written?

28

29 MS. SHARP: (Nods affirmatively)

30

31 MS. ENTSMINGER: Okay.

32

33 MS. SHARP: That is correct. We want the  
34 proposal as written.

35

36 MS. ENTSMINGER: Yes. And I would say  
37 that their culture is, you know, when you do put  
38 government red tape on and say 60 days and add all these  
39 other things to it it's not really of the culture and I  
40 don't see a problem. Because there's years that they  
41 don't even take a moose. So at any rate, these guys are  
42 down there, a lot of their staff is at the culture camp  
43 the whole time.

44

45 So I'll make a motion -- do we need a  
46 motion to -- or do you just.....

47

48 CHAIRMAN MIKE: No, we're still going  
49 through agency comments.

50



00116

1 MS. ENTSMINGER: Okay.

2

3 MS. SHARP: That's correct, the Park  
4 Service is invited and we do bring a number of people  
5 down. Some of the fisheries biologist talk about fish  
6 and life cycle and some of the interpreters have learning  
7 games and we spend a few days off and on there and we  
8 show them the fish wheel that we run on Tanada Creek to  
9 count the fish coming up into Tanada Lake. It's a really  
10 special thing to the Park Service. It's being accepted,  
11 much as you felt, Sue, being accepted into the community  
12 and having your knowledge honored and being honored by  
13 Katie and by Nina Charlie. And for us to have -- it's a  
14 struggle. We have 12 communities -- 12 Native  
15 communities and we have to put together 12 government to  
16 government relationships and this has taken probably 10  
17 years to get this one going. And there's several going  
18 simultaneously. So we really want to honor this  
19 government to government relationship by making it as  
20 easy as possible.

21

22 CHAIRMAN MIKE: Thank you, Devi. Any  
23 other agency comments?

24

25 MR. BRELSFORD: Thank you, Mr. Chairman.  
26 I guess, I'd like to agree with the focus and the effort  
27 in the Federal Subsistence Board to simplify traditional  
28 cultural, religious practices. This analysis really  
29 focuses on educational permits but what's on the side is  
30 a whole series of special religious ceremonial harvest  
31 opportunities that have not been included in this  
32 discussion.

33

34 So for things like Stick Dance,  
35 Necheloya, the funerary and mortuary potlatches, there  
36 are other regulations that provide a great deal of  
37 flexibility. You have to notify after the fact, to  
38 report, for example, in the case of potlatch moose  
39 harvest. So I guess I would like you to, since we're all  
40 kind of finding our feet together, to realize that the  
41 Federal Board has done a great deal over the last set of  
42 years and the State boards as well, to provide that kind  
43 of flexibility for more formal religious ceremonial  
44 harvests.

45

46 What we're talking about here is  
47 educational permits. We have a variety of these across  
48 the state. They range from educational camps on the  
49 Kenai Peninsula to the kind of camp that is now  
50 developing and flourishing in the Copper River Basin. I

00117

1 would suggest that we have to be a little careful about  
2 making every case the special case that, does it require  
3 a permit or a request for a permit and so on. I think  
4 for some of us in the Staff Committee, we've had to think  
5 about it's a statewide program, not 10 regional programs.  
6 And if we do this in one region what happens in other  
7 areas?

8

9 And I believe, so far the compromise of  
10 great flexibility for these religious and ceremonial  
11 takings and a little more care about monitoring  
12 educational permits, this -- the educational permit  
13 program is growing rather quickly in many parts of the  
14 state and I think we're still kind of watching this with  
15 a little bit of interest to see how things sort out.  
16 Which camps flourish and grow and become longstanding,  
17 which ones are a couple of years of an effort and then  
18 kind of languish.

19

20 So I guess I would suggest to you that a  
21 streamline permitting report -- permitting request that  
22 asks, is the camp alive and well, and not really a lot  
23 more than that, I don't necessarily think that's an undo  
24 burden when we look from a statewide perspective and  
25 we're trying to manage educational permits in many parts  
26 of the state with many different dynamics.

27

28 So I think that's some of the thinking  
29 that is behind the Staff recommendation at this point and  
30 you've heard a very eloquent comment about the good work  
31 that the Park Service is doing with the local community.  
32 That's kind of the counter-balance for you to consider.

33

34 Thank you.

35

36 CHAIRMAN MIKE: Is there any further  
37 agency comments? Devi Sharp, are you still wanting to  
38 testify under the -- for the Subsistence Resource  
39 Commission.

40

41 MS. DEVI: I just did.

42

43 CHAIRMAN MIKE: You just did, okay, thank  
44 you. With no other further public comments we'll get  
45 into written public comments. We received one public  
46 comment from the Subsistence Resource Commission for  
47 Wrangell-St. Elias.

48

49 The Wrangell-St. Elias National Park  
50 Subsistence Resource Commission supports the proposal as

00118

1 written because it streamlines the process for obtaining  
2 a permit to hunt the ceremonial moose for the Batzulnetas  
3 Culture Camp. The OSM regulations are still more  
4 cumbersome than the proposed regulation. Chistochina  
5 Village and the National Park Service have a government  
6 to government relationship and the SRC feels that it is  
7 important to recognize this special relationship.

8

9 That's the only written public comments  
10 we received so we'll move into Council deliberation.  
11 What's the wishes of the Council?

12

13 MS. WAGGONER: Yeah, I'm in favor of  
14 proposal as written, in that, Devi brought up a really  
15 good point is they are the land manager around these  
16 communities. And I think in dealing with all of the red  
17 tape and the confusion over Federal and State regulations  
18 and land status, it's probably much more comfortable to  
19 the communities to deal directly with the land manager  
20 instead of having to go to this big bureaucratic office  
21 in Anchorage that they don't recognize. And, you know,  
22 if OSM is worried about reporting, you know, that then  
23 falls upon the Park Service to fulfill that obligation.  
24 And I think this is a great way to strengthen the ties  
25 between the land manager and the communities while still  
26 ensuring conservation and reporting. So I support the  
27 proposal as written.

28

29 CHAIRMAN MIKE: Virgil.

30

31 MR. UMPHENOUR: We have a number of  
32 permits that are issued throughout the year, the Stick  
33 Dance was mentioned awhile ago, that's actually in  
34 regulation. The State has been sued and it's went all  
35 the way to the State Supreme Court, like in the Kenaitze  
36 case, that resulted in a special education permit for the  
37 Kenaitze's on the Kenai River to have an educational  
38 fishery. Everyone knows what happened with Katie John.  
39 The commfish biologist wouldn't let her subsistence fish  
40 and so now we're all in this room. If that wouldn't have  
41 happened we may not have been in this room right this  
42 minute because of that. And I've personally talked to  
43 Ms. Katie John at board meetings previously.

44

45 I think the National Park Service  
46 proposal is a reasonable proposal. I think this thing in  
47 Appendix A is overly burdensome to the users with the  
48 stipulations and the requirements that it has in there  
49 and I don't think it's user friendly. I think I'm in  
50 full support of the proposal as written.

00119

1 Mr. Chair.

2

3 MS. ENTSMINGER: What did you say?

4

5 MR. UMPHENOUR: I just said I'm in full  
6 support of it and I wanted to hear from the rest of the  
7 Council members.

8

9 MS. ENTSMINGER: Ditto.

10

11 CHAIRMAN MIKE: Tricia.

12

13 MS. WAGGONER: I move that we approve  
14 Proposal 19 as written.

15

16 MS. ENTSMINGER: Second

17

18 MR. UMPHENOUR: Question.

19

20 CHAIRMAN MIKE: It's been moved and  
21 seconded and question to approve Proposal 19 as written.  
22 All those in favor of Proposal 19 say aye.

23

24 IN UNISON: Aye.

25

26 CHAIRMAN MIKE: All those opposed same  
27 sign.

28

29 (No opposing votes)

30

31 CHAIRMAN MIKE: It's been approved as  
32 written. That concludes the wildlife proposal cycle.  
33 Next we'll get into customary trade definition -- or  
34 regulations. And I believe Tim Jennings will give us a  
35 briefing first.

36

37 MS. ENTSMINGER: What time is it?

38

39 CHAIRMAN MIKE: It's a quarter to 12:00.

40

41 MS. WAGGONER: Why don't we just break  
42 for lunch now.

43

44 MR. UMPHENOUR: We won't get this over  
45 with that quick.

46

47 MS. WAGGONER: It's not going to get over  
48 in 15 minutes.

49

50 MS. ENTSMINGER: We can get started.

00120

1                   CHAIRMAN MIKE: What's the wish of the  
2 Council, do you want to recess or hear the first part of  
3 the presentation?

4  
5                   MS. WAGGONER: Yeah, let's come back in  
6 an hour.

7  
8                   CHAIRMAN MIKE: So we'll recess until  
9 1:00 o'clock?

10  
11                  MS. WAGGONER: 12:45.

12  
13                  CHAIRMAN MIKE: Okay. We'll recess.....

14  
15                  MR. UMPHENOUR: Well, what's the lunch  
16 situation first, it might not be time yet.

17  
18                  CHAIRMAN MIKE: Okay. We can get started  
19 with the customary trade regulations, Tim Jennings from  
20 our office, Office of Subsistence Management, he'll get  
21 started with the briefing and after lunch the Council  
22 will get into deliberations. Tim.

23  
24                  MR. JENNINGS: Okay, thank you, Mr.  
25 Chair, members of the Council. This briefing is found in  
26 your books under Tab D. And for the record, my name is  
27 Tim Jennings.

28  
29                  This briefing is about customary trade  
30 and under Tab D you will find the briefing that we are  
31 taking to all 10 Regional Councils during this meeting  
32 cycle. This is an action item today for you, for the  
33 Council. Specific action is requested by each of the  
34 Regional Councils from the Federal Subsistence Board to  
35 provide input and any regional recommendations that you  
36 may have on the proposed customary trade regulatory  
37 changes.

38  
39                  My presentation will cover several areas.  
40 The history and background of why the issue of customary  
41 trade is before us today. Summary of the Board actions  
42 taken during the December meeting of 2001. A discussion  
43 of the proposed regulatory language. Briefly describing  
44 tribal consultation. I'll discuss the schedule that the  
45 Board is currently working under to finalize its  
46 regulation. And then lastly, we'll talk again about the  
47 importance of Regional Council input. And since many of  
48 you here today are new Council members, I'm going to  
49 cover a little bit more detail, in terms of background,  
50 to hopefully lay the foundation for how it is we arrived

00121

1 at this point today.

2

3

                  Title VIII of ANILCA specifically  
4 identifies customary trade as a recognized part of  
5 subsistence uses. And the term customary trade is  
6 defined in regulation as the exchange of cash for fish  
7 and wildlife resources to support personal or family  
8 needs so long as it does not constitute a significant  
9 commercial enterprise. There is a distinction between  
10 the terms customary trade and barter, which barter is  
11 also provided for in Title VIII of ANILCA. As I  
12 mentioned, customary trade is the exchange of cash for  
13 fish and wildlife resources, whereby barter is defined as  
14 the exchange of subsistence resources for something other  
15 than cash. For instance, somebody might exchange fish  
16 for moose. It's an exchange of goods, if you will, that  
17 doesn't involve cash. And while the exchange of  
18 subsistence resources as customary trade may involve  
19 fish, shellfish or wildlife resources, the proposed  
20 regulation and action that the Board is taking at this  
21 time focuses on fish. So we're not talking about  
22 shellfish, we're not talking about wildlife resources.  
23 You've already heard about marine mammals under another  
24 program. Migratory birds is also under another program.  
25 So I just want to be sure to focus the discussion on fish  
26 resources taken from Federal public lands.

27

                  You'll see on Page 1 of the briefing, a  
28 background section. The second paragraph there at the  
29 bottom of Page 1 lays some of the foundation. We  
30 currently have a regulation, as I mentioned, that allows  
31 for limited sale of subsistence taken fish, their parts  
32 or their eggs for customary trade as long as the sale  
33 does not constitute a significant commercial enterprise.  
34 However, neither in the legislative history nor in our  
35 regulations is the term significant commercial enterprise  
36 defined to allow a level of customary trade. So this  
37 leaves some uncertainty in terms of what does it mean?  
38 And our enforcement folks on the Federal side has  
39 indicated as currently written, the customary trade  
40 limitation of significant commercial enterprise is  
41 probably not enforceable. So that raised some concerns  
42 about, basically, as it's written, it could appear that  
43 customary trade in our Federal regulations is pretty wide  
44 opened. So the Board recognizing this, set about to  
45 define some reasonable limitations that would be  
46 enforceable but still allow customary trade to occur that  
47 is in accordance with customary practices. And they also  
48 recognized on a statewide basis that there may be  
49 regional differences and wanted to hear from the Regional  
50

00122

1 Councils and the public about what regional limitations  
2 might be appropriate.

3

4               This issue has been before this Council  
5 for almost a couple of years now. In late 2000, about a  
6 year ago, the Board established a Customary Trade Task  
7 Force. This Task Force was composed of representatives,  
8 one each from the 10 Regional Councils. From this  
9 Council, Gerald Nicholia served as the representative.  
10 Additional we had agency Staff, both Federal and State  
11 that served on this Task Force. And you can see on Page  
12 2 of the briefing there is a brief discussion about the  
13 Task Force. And the Board asked the Task Force to set  
14 about refining the customary trade language in  
15 regulation. To define the intent as identified in Title  
16 VIII of ANILCA.

17

18               So the Task Force met several times over  
19 the course of the last year. They developed language  
20 that addressed three different types of customary trade.  
21 One transaction that they identified was customary trade  
22 between rural residents. The second type was  
23 transactions between rural residents and others, where  
24 others is defined as all commercial entities other than  
25 the fisheries businesses and individuals -- other than  
26 rural residents, for instance non-rural residents that  
27 live in urban areas. And the third type of customary  
28 trade would be those transactions with fisheries  
29 businesses.

30

31               So the Task Force developed proposed  
32 regulatory language over the course of last summer. We  
33 brought some preliminary draft language that was  
34 developed by the Task Force to the fall meetings for all  
35 the Councils to review. We also initiated some tribal  
36 consultation last fall with the 229 Federal recognized  
37 tribes. And we also invited public comment on this  
38 preliminary language. After the Council meetings were  
39 concluded in the fall the Task Force met one more time  
40 after those meetings and before the Board meeting in  
41 December and they developed specific language to present  
42 before the Board. And if you'll look at the Appendix on  
43 Page 7 of the briefing, Pages 7 through 13 were the  
44 options considered by the Federal Board at the December  
45 meeting. This is the full text and detail.

46

47               On Page 8, near the top of the page,  
48 Option 1, what follows on Page 8 and to the top of Page  
49 9, Option 1 was the language that was recommended by the  
50 Task Force, the Customary Trade Task Force. And you'll

00123

1 see as you look on Page 8, subpart D 27(c) methods, means  
2 and general restrictions and then afterwards there's a  
3 Paragraph 11 where it starts, this is a transaction  
4 between rural residents -- from a rural resident to a  
5 rural resident. Here, the Task Force recommended that  
6 the exchange be allowed in this part of this regulation.  
7 That it's allowed unless further restricted by say  
8 regional limitations. And during this time period there  
9 weren't any regional restrictions recommended except in  
10 one region, Bristol Bay, and I'll get to that in a  
11 minute.

12

13           The second part of the Task Force  
14 recommended language was at Paragraph 12 where it talks  
15 about transactions between rural residents and others.  
16 And, here, again, it was recommended that this customary  
17 trade be allowed, however, there was concern about salmon  
18 specifically and for salmon the Task Force recommended  
19 that the exchange for cash, customary trade for salmon be  
20 limited to no more than \$1,000 annually.

21

22           The Task Force also recommended that in  
23 order to keep track of the sales of salmon, since the  
24 Task Force had recommended a cap of \$1,000 that there  
25 needed to be some record keeping and so what you see at  
26 the bottom of Page 8 and the top of Page 9, the A1  
27 through A4 is a record keeping requirement, basically a  
28 permit in order to record the exchanges and the  
29 transactions for cash between rural residents and others.

30

31           And then finally, the last category  
32 recommended by the Task Force was a prohibition on sales  
33 or -- purchases by fisheries businesses.

34

35           Option 2, briefly, was the same language  
36 as Option 1, except at that time the Task Force had  
37 included some barter language in Option 1. And Option 2  
38 was basically the same kind of language except that it  
39 removed the barter language, leaving barter basically  
40 unlimited, except in the case of fisheries businesses --  
41 oh, excuse me, that's Option 3. Option 2 was to -- let  
42 me backtrack. Option 2 was a concern that the permitting  
43 requirement was a little bit too onerous, in that, people  
44 would have to apply for a permit and have to turn it in  
45 at the end of the year so Option 2 was a simplified  
46 version, viewed more as record keeping or a log where  
47 you'd keep track on a form that was readily available of  
48 your purchase and you wouldn't have to apply -- or your  
49 transactions and you wouldn't have to apply for a permit.  
50 So that's the simplified permitting requirement. Option



00124

1 2 was record keeping.

2

3 Option 3 was the removal of barter.

4

5 Option 4 was to include some regional

6 language that came from the Councils during the fall

7 meetings. You can see that on Pages 10, 11 and 12.

8 This is broken out by the fisheries management areas

9 which is why there's several of these areas that -- they

10 do not correspond exactly to the 10 Regional Council

11 boundaries. These are the fisheries management areas.

12 And if you look on Page 11, Bristol Bay area, there they

13 wanted to limit the exchange on a rural to rural basis to

14 a thousand dollars annually and under the paragraph of

15 exchange from rural residents to others, that was to \$400

16 annually. Generally, most of the Councils at the fall

17 meetings thought that the \$1,000 cap was a reasonable

18 starting point for discussions.

19

20 Option 5, I'll just go ahead and conclude

21 these options so that you can have a sense of what the

22 Board had before it in December. Generally there was

23 consensus on Paragraphs 11 and 13 from the public input,

24 of the Councils in the fall, generally there was

25 consensus on rural to rural exchanges and a prohibition

26 on the sale to fisheries businesses. There was a lot of

27 discussion and deliberation, different viewpoints

28 expressed about the exchanges from rural residents to

29 others, Paragraph 12. And this Option 5, recognizing

30 that there had been a lot of discussion and concerns

31 raised, Option 5 proposed going forward with the Task

32 Force recommended language as in Paragraphs 11 and 13,

33 and maintaining the status quo in Paragraph 12 on the

34 exchange from rural residents to others, which basically

35 allows it as long as there's not a significant commercial

36 enterprise. So it didn't really address the lack of

37 definition and the issue of significant commercial

38 enterprise, it just -- the Board said, for now, we'll

39 take this back for further review. And, in fact, that's

40 the option that the Board adopted at its December

41 meeting, was Option 5.

42

43 And you can see in your materials on Page

44 5, this is the proposed rule, Option 5, that went

45 forward. Developing regulations is a two-part process

46 for us. We send out a proposed regulation for public

47 comment and Regional Council input and then the Board

48 will take a final action on a final regulation. So where

49 we are in the current process is at the December meeting,

50 the Board elected to go forward with the proposed

00125

1 regulation. So this is still only proposed. And you'll  
2 see on Page 5, Paragraph 11 reflects rural to rural as  
3 being authorized and permitted without limitation.  
4 Paragraph 12 is the transactions between rural residents  
5 and others. Customary trade is permitted as long as it's  
6 not a significant commercial enterprise, basically  
7 maintains the status quo in our regulations. And  
8 Paragraph 13 is no purchase by fisheries businesses. If  
9 you are required to be licensed as a fisheries business  
10 under the Alaska Statute, you may not purchase or receive  
11 commercial -- you may not purchase or receive for  
12 commercial purposes, subsistence caught or taken fish,  
13 their parts or their eggs.

14

15               During the discussion at the December  
16 Board meeting regarding this proposed language there were  
17 concerns expressed about allowing the sale of subsistence  
18 taken salmon in areas experiencing subsistence shortages  
19 and limited fishing opportunities. And as I think you're  
20 all aware in recent years, in particular, the Yukon and  
21 Kuskokwim Rivers have had poor salmon returns requiring  
22 managers to reduce subsistence fishing schedules and in  
23 some instances closing subsistence fishing. And some  
24 Regional Council members were also concerned that the  
25 draft language be restricted on barter between rural  
26 residents and others.

27

28               During the comment period you'll hear, I  
29 think, after lunch from the State that there is a concern  
30 from the State Department of Environmental Conservation  
31 regarding health and safety regulations on the State  
32 side, whereby, if there's a customary trade or exchange  
33 from a rural resident to others, including like a  
34 restaurant or a store then there are state health laws  
35 that come into play regarding the health and safety of  
36 that product. And I'll let Terry or whomever from the  
37 State address that after lunch. The State has a high  
38 concern about that. Currently our regulations, as I  
39 mentioned, allow that and I don't know to what extent  
40 that that currently takes place.

41

42               Okay, so as I mentioned, at the December  
43 meeting, the Board did take action, we move forward, you  
44 have the proposed language before you. At the December  
45 meeting the Board believed that as a starting point that  
46 generally the transactions between rural residents  
47 involves small amounts of fish and generally believes  
48 that -- the Board, preliminary didn't believe that this  
49 would create any additional incentive for additional  
50 harvest of resources nor result in additional fish being

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1 processed or sold into commercial markets.

2

3                   There was a lot of concerns about  
4 maintaining an appropriate opportunity inconsistent with  
5 Title VIII for customary trade without opening up so wide  
6 so that it commercializes subsistence fishing and could  
7 lead to harm for subsistence fishermen if this is viewed  
8 that this is a commercialization of subsistence  
9 fisheries. So Paragraph 13 was seen as an important step  
10 to take by the Board to prohibit -- to propose the  
11 prohibition to the sale of fish processors and buyers.

12

13                   As I mentioned, the Board initiated  
14 tribal consultation with the 229 Federally recognized  
15 tribes during the fall time period. And we are  
16 initiating this tribal consultation on the proposed rule  
17 at this time through our Native liaison in our office,  
18 Carl Jack, and primarily through the Alaska Inter-Tribal  
19 Council. And that tribal consultation period is open  
20 until March 29th as is the public comment period. If you  
21 look on Page 6, this is the Board estimated schedule that  
22 the Board is working towards a final rule. You can see  
23 at the top there, we're currently at the Regional Council  
24 meetings where we're seeking comments on the proposed  
25 rule. Concurrently, we're in tribal consultation. And  
26 any written public comments, as well.

27

28                   We anticipate that the Board will take  
29 this back up in its May meeting, factoring in all of the  
30 input from the Regional Councils in terms of their  
31 recommendations and appropriate regional language that  
32 the Councils may provide. Tribal consultation comments  
33 and public comments. The options before the Board at the  
34 May meeting will be to move forward with some sort of  
35 action, either as proposed or some sort of modified  
36 language from the proposed language, to include  
37 regionalization or to make some other changes as  
38 appropriate. So that's one option. Another option is  
39 for the Board to defer and to take more time to look at  
40 this issue. And a third option would be for the Board  
41 just to take no action and to leave the existing  
42 regulation in place which allows customary trade so long  
43 as it's not a significant commercial enterprise. I do  
44 know that several Board members are very concerned about  
45 leaving the status quo because of the fact that this  
46 significant commercial enterprise is not defined in  
47 regulation.

48

49                   So at this time, the proposed rule is now  
50 before the Regional Councils. The Board invites your

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1 comments on the proposed rule itself or any appropriate  
2 regionalization that you believe is appropriate. If you  
3 believe there is other language that can be substituted,  
4 other than what's proposed, the Board would like to hear  
5 that input. There may be other ways to look at this  
6 issue and to allow the appropriate level of customary  
7 trade based upon customary practices without  
8 commercializing subsistence fisheries. So the Board  
9 would invite comments on other approaches.

10

11                   Additionally, if there's any sort of  
12 monetary cap that is recommended, the Board would like  
13 regional input in terms of what would be an appropriate  
14 limitation if you choose to go with a monetary cap or if  
15 you choose some other measure, whether it's pounds of  
16 fish or number of fish. The Board would also like, if  
17 there is that sort of limitation proposed, for you to  
18 consider how best we can track those kinds of  
19 transactions, if it's through a permitting requirement or  
20 if it's through a record keeping requirement.

21

22                   So the focus today is the language on  
23 Page 5, any of the options that were in the appendices  
24 and then any other language that you may think is  
25 appropriate. As you take this up and deliberate after  
26 lunch, you may find it easier to, if you stay with the  
27 current approach of the three categories, rural to rural,  
28 rural to others and fisheries businesses, it may be  
29 easier for you to deal with them individually in terms of  
30 your discussion and your recommendation or you may choose  
31 to take up customary trade as a whole package and go a  
32 different direction.

33

34                   That concludes my briefing and I'm  
35 available to answer questions now or if you want to break  
36 and take it up after lunch I'll be available after lunch  
37 up here to help answer any questions or provide  
38 clarification. That concludes my briefing, Mr. Chair.

39

40                   CHAIRMAN MIKE: Thank you, Tim. What's  
41 the wish of the Council? You want to recess for lunch or  
42 start working on this? We'll recess for lunch and  
43 reconvene at 1:00 o'clock.

44

45                   (Off record)

46

47                   (On record)

48

49                   CHAIRMAN MIKE: Let's get started here.  
50 I'd like to call this meeting back to order. We left off

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1 with a briefing from Tim Jennings and Tim's got further  
2 information, more briefing. I'd like to let the Council  
3 know that after Tim gets down with his briefing we can  
4 receive some agency comments from the State or other  
5 Federal agency comments before we get into deliberations  
6 and the public, if they want to comment on customary  
7 trade prior to the Council getting into deliberations,  
8 would that be okay?

9

10 (Council nods affirmatively)

11

12 CHAIRMAN MIKE: Okay, all the Council  
13 agrees. I got word from the Yukon Flats Moose Planning  
14 Committee. They have an evening meeting at Circle  
15 tonight and they want to present their moose plan and  
16 they requested that they be moved up after customary  
17 trade so they can present the moose management plan to  
18 the Council and the Council can make their  
19 recommendations on the plan. Is that okay with the  
20 Council?

21

22 (Council nods affirmatively)

23

24 CHAIRMAN MIKE: Everybody agrees,  
25 nodding. Okay. With that, we'll start with -- oh, one  
26 more item that I forgot to mention this morning is that  
27 yesterday we tabled the review and approval of the last  
28 meeting minutes. So sometime later on today we need to  
29 bring that up again. Jim was at the last meeting and  
30 Vince Mathews, he coordinated the tri-Council meeting in  
31 Anchorage and he mailed out the meeting minutes of the  
32 tri-Council minutes and we still haven't addressed that.  
33 So when it comes time we'll discuss it.

34

35 So with that, Tim.

36

37 MR. JENNINGS: Thank you, Mr. Chair.

38

39 If you would turn back to your book under  
40 Tab D on Page 6 of the customary trade briefing, the  
41 Board estimated schedule. I have some new information  
42 that I learned over the lunch hour regarding this  
43 schedule. I talked with Tom Boyd, the Director of the  
44 Office of Subsistence Management and he's also been in  
45 consultation with the Chair of the Federal Subsistence  
46 Board, Mitch Demientieff. There was a delay in the  
47 publishing of our Federal Register rule for the proposed  
48 regulation. The proposed rule is actually being  
49 published this week. Because of that, we want to allow  
50 ample public comment and tribal consultation opportunity.

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1 So under the second and third bullet of tribal  
2 consultation and public comment period, those will now be  
3 extended until the end of April. I don't have a date  
4 certain, I'm not sure if it's April 29th, but it's at the  
5 end of April. We will also move the Board deliberation,  
6 the May meeting of the Board will still take place, the  
7 Board will deliberate on the wildlife proposals and any  
8 other pertinent items, however, customary trade will not  
9 be taken up at the May meeting and will be part of a  
10 special Board meeting scheduled sometime in June -- to be  
11 announced in June. And then if the Board takes an action  
12 to create a final rule then that, of course, would -- the  
13 last two bullets would -- the time frame would change.  
14 Presumably about a month, so July and August for  
15 publication of a final rule and the final rule being  
16 effective. Those are approximations. I think Tom said  
17 they were still discussing final dates in terms of a  
18 revised schedule. I wanted to pass this information  
19 along to you.

20

21 Mr. Chair, that concludes my briefing.

22

23 CHAIRMAN MIKE: Thank you, Tim. Any  
24 questions. With that we can get some agency comments  
25 from the State if they wish to do so.

26

27 MR. HAYNES: Mr. Chairman, the Department  
28 is not yet prepared to comment on the specific rule and  
29 options before you today because this -- technically this  
30 Federal Register rulemaking is not yet available for  
31 review but we'll be working on that and we'll have formal  
32 comments to submit by the deadline.

33

34 I did want to highlight some of the  
35 comments the Department made to the Federal Subsistence  
36 Board at its December meeting. And I will not speak to  
37 concerns raised by Department of Environmental  
38 Conservation that Tim Jennings mentioned to you this  
39 morning. I think he characterized there are food safety  
40 concerns that Department of Environmental Conservation  
41 has jurisdiction over. And those concerns, I'm sure will  
42 be presented again in written testimony on the proposed  
43 rule.

44

45 But to highlight the comments that the  
46 Department made in December, we believe that regulations  
47 governing customary trade should accommodate customary  
48 trade as defined by region specific customary and  
49 traditional practices, including amounts of trade,  
50 species and specific foods traded and geographic areas

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1 affected. We believe that levels of trade that would  
2 amount to a significant commercial enterprise should be  
3 defined on a case by case basis according to known  
4 patterns of trade of a particular item. In order to  
5 protect vulnerable salmon stocks, for example, a  
6 household cap on either the number of pounds, the number  
7 or pounds of fish traded is necessary and appropriate.  
8 The proposed cash value cap for household members on  
9 sales of salmon to others may still result in a larger  
10 income to a large household than the average income for  
11 some commercial fisheries.

12

13               The unit of measure to which regulations  
14 apply should be the amount of harvested resource not the  
15 value. Amount of trade is a meaningful measure that is  
16 more stable over time than is monetary value. A focus on  
17 the amount of resource emphasizes the management agencies  
18 interest in the resource rather than its monetary value.  
19 So just as an example, in many of the options you see  
20 customary trade between rural residents and others should  
21 be allowed up to \$500 or up to \$1,000. We believe you  
22 should substitute numbers of fish instead of dollar  
23 value.

24

25               A mechanism is needed to determine the  
26 effect of the new regulations on the use of the resource.  
27 The Department of Fish and Game and the Federal  
28 Subsistence Program need to know if new customary trade  
29 regulations would simply accommodate an ongoing practice  
30 or if they would provide an incentive to increase  
31 subsistence harvest. We suggest monitoring customary  
32 trade through standard subsistence research methods.  
33 From experience in doing other research projects, we  
34 question the reliability of information gathered through  
35 a permit or non-standard record keeping system without  
36 some type of more rigorous assessment. Given the  
37 importance of customary trade and the issue to Alaskans,  
38 every effort should be made to achieve consistency among  
39 State and Federal regulatory approaches.

40

41               I would also note that Dan Bergstrom from  
42 Division of Commercial Fisheries is here. Dan is another  
43 member of the State's liaison team and he has some  
44 additional information that he'd like to present to you  
45 based on some discussions he's been having with other  
46 Staff the past few days. So thanks for the opportunity  
47 to summarize some of our concerns.

48

49               CHAIRMAN MIKE: Thank you, Terry.  
50 Questions. Dan.

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1                   MR. BERGSTROM: Hi, I'm Dan Bergstrom.  
2 I'm with the Commercial Fisheries Division with ADF&G.  
3 And a little background, I worked in management of Yukon  
4 River salmon subsistence and commercial fisheries since  
5 1984. I think Terry covered fairly well some of the  
6 issues and concerns that the State has. We do want to  
7 say that customary trade is one of the recognized  
8 subsistence uses in both State and Federal law. The  
9 proposed Federal regulation on customary trade creates an  
10 opportunity for analysis and discussion of what we know  
11 and don't know about customary trade as well as new  
12 issues and potential concerns regarding customary trade,  
13 particularly for salmon.

14  
15                   The State believes that subsistence  
16 harvest information that has been collected, annually  
17 from fishers, represents the total subsistence salmon  
18 harvest including salmon caught for customary trade.  
19 However, we have no estimation of the amount of salmon or  
20 other fish that is traded for cash or the extent of  
21 networks for doing so. It is important to obtain  
22 information regarding what the traditional practices are.

23  
24  
25                   We know of examples, you know, just from  
26 personal observations and knowledge on rivers, of Staff,  
27 of customary trade occurring from some households that  
28 harvest at many harvest levels. In some cases, there is  
29 people that harvest fairly low numbers but sell some fish  
30 and we know of high harvesters that trade subsistence  
31 products. We presume the high harvesters have the most  
32 options to offer some of their subsistence products into  
33 the customary trade networks because they take more fish.

34  
35                   So points to consider are -- include that  
36 if there were to be a change in the regulatory scheme  
37 governing customary trade so that an increase and  
38 participation of amounts of trade occurred -- there is an  
39 increase -- there are some conditions that would probably  
40 promote an increase, such as a demand for fish or fish  
41 products would have to be expressed, such as from areas  
42 experiencing decreasing subsistence fishing opportunity  
43 or harvest because of low numbers of fish or if there's a  
44 development of markets in a rural or urban area. And,  
45 too, if there is a decrease in cash generating  
46 opportunities in rural areas such as closures of small  
47 scale commercial fisheries or market-driven reductions in  
48 commercial fishing income, that may drive rural residents  
49 to seek other cash generating opportunities. And  
50 increases in harvest where customary trade would likely



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1 not evenly be spread among users but occur in portions of  
2 a drainage that has a consistent supply and opportunity  
3 to harvest fish such as lower river areas of Yukon -- or  
4 the Kuskokwim and in the middle portion of the Yukon and  
5 Kuskokwim. We also think that it would be in locations  
6 where there'd be an easier way of the method of getting  
7 fish to markets where you might have jet service, like  
8 out of Bethel-type areas where you could get fish that  
9 could go to sales.

10

11 Now, if there was a change in the  
12 regulatory scheme governing customary trade so that an  
13 increase in -- there is an increase in participation and  
14 amounts traded occurred, there are impacts that we think  
15 should be considered and Terry mentioned some of them.  
16 One of the things under the current situation with State  
17 and Federal regulations is that certain areas would be  
18 impacted by this regulation different than other areas.  
19 The opportunity to harvest fish such as fish that could  
20 be used in customary trade will not be the same for all  
21 rural residents. We understand the proposed Federal  
22 regulations will allow customary trade only of fish  
23 harvested from Federally managed waters and we certainly  
24 know that along the Yukon and Kuskokwim River there is  
25 different sections of the river that are Federal  
26 jurisdiction and under State jurisdiction.

27

28 During years when little commercial  
29 fishing is expected, fishers who are Federally-qualified  
30 subsistence users could increase their subsistence  
31 harvest of king salmon so they could sell the fish for  
32 cash thus evolving into almost a replacement of a  
33 commercial fishery. In these sorts of situations when  
34 there's a low commercial harvest because of a low  
35 abundance, there'd be a concern for an increase in  
36 harvest when there's a lower abundance of fish and we'd  
37 be hoping to decrease or have no commercial fishery so  
38 that subsistence needs would be met and not have an  
39 actual increase in harvest when you have a lower  
40 abundance of fish. And that could be what would  
41 potentially happen if under the regulation scheme for  
42 customary trade that there'd be an incentive for people  
43 to increase harvest to sell fish.

44

45 Another question would be if there is  
46 this increase in harvest, are there enough salmon  
47 available to meet subsistence needs of families wanting  
48 to fish for their personal use and enough salmon to sell  
49 to people that live outside the region or even outside of  
50 Alaska? And then the main question would be as you

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1 consider this type of regulation, is, will subsistence  
2 salmon harvest increase?

3

4 Another item is that subsistence users,  
5 Native tribes, regional Native organizations, the State  
6 and Federal agencies are working together to improve and  
7 rebuilt the salmon stocks in western Alaska, including  
8 Bristol Bay, obviously the Kuskokwim and Yukon Rivers and  
9 in Norton Sound and is now the time to allow these salmon  
10 to be possibly have increased harvest or to be sold to  
11 anyone anywhere who has enough cash to buy them? And  
12 under both the State and Federal regulations and under  
13 the current proposed regulation for customary trade,  
14 there is no distinction between harvesting fish to eat  
15 and harvesting fish for sale and that seems to be a  
16 consideration that people would have. The subsistence  
17 priority would be for both. And when you have to have a  
18 decrease in subsistence fishing opportunity, how do you  
19 handle that situation?

20

21 So that brings up the question, in times  
22 when families are having a difficult time harvesting  
23 enough salmon for their fish racks and smoke houses for  
24 personal consumption or personal household use, would it  
25 be proper for other individuals to catch fish to sell?  
26 And then lastly, one of the distinguishing  
27 characteristics of subsistence is the sharing widely of  
28 subsistence resources. Will families be as willing and  
29 to freely share resources that they harvest such as  
30 whitefish, pike, blackfish, sheefish, trout and salmon if  
31 they could sell the fish for cash instead? It's just  
32 another thing that we should probably consider.

33

34 And that's all I have. Any questions.

35

36 CHAIRMAN MIKE: Thank you, Dan. You got  
37 any questions Council? Virgil.

38

39 MR. UMPHENOUR: Dan, has the Department  
40 given any consideration to what potentially could happen  
41 with sale of salmon roe?

42

43 MR. BERGSTROM: Mr. Umphenour, we haven't  
44 really looked at that as a special case on just sales in  
45 general. But I think as long as the regulations are set  
46 up so it probably wouldn't go into a fisheries business,  
47 I don't think that that would be as much of a problem  
48 unless -- as I understand the regulation proposed, that --  
49 and we've asked questions about this, is that, you  
50 couldn't, like, sell or give roe to somebody else and

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1 kind of move it along the line and then go to a fisheries  
2 business, as I understand it; that wouldn't be allowed.

3

4 MR. UMPHENOUR: Right. But if the  
5 business, say, were in Tacoma and they didn't have a  
6 business license in the state of Alaska, then it's  
7 possible -- and we know that we have roe production  
8 facilities in a lot of villages that rural users could  
9 sell their roe, which in the proposal there's no limit  
10 between rural residents, to other rural residents that  
11 knew how to produce caviar, they could produce caviar,  
12 ship it to Tacoma and sell it and it would not have been  
13 sold to anyone with a state of Alaska fisheries business  
14 license. Do you see that that possibly could happen?

15

16 MR. BERGSTROM: Yes, I could see that. I  
17 think it's probably more a question for Federal Staff in  
18 how that would work. But I have heard that brought up at  
19 meetings, I think maybe in the Customary Trade Task Force  
20 there was a question that specifically says Alaska  
21 fisheries business license, you could go, like, you know,  
22 directly to Japan maybe or like you say, Seattle.

23

24 MR. UMPHENOUR: Thank you. And do you  
25 think if this happens that a lot of the professional dog  
26 kennels might say -- there's a lot of them down around  
27 Wasilla and Nenana, Fairbanks, Salcha, that maybe some of  
28 these people might want to purchase Yukon fall chums to  
29 feed to their dog teams?

30

31 MR. BERGSTROM: I think that is a  
32 possibility but I think that kind of is an overall  
33 concern, a concern with -- in developing the customary  
34 trade regulations, looking at it carefully, how it is  
35 done and it's still that regional and area type of  
36 specific thing. But to really look for the possibility  
37 of increasing the harvest over what it has been and I  
38 think that's just another one of those, that you might  
39 anticipate where there'd be an increase in demand for  
40 fish under the old State regulations, there wouldn't be  
41 people really looking to buy fish that way because it  
42 wouldn't have been legal. And so that would be something  
43 that might come up now where they would, you know, have a  
44 demand for these fish and want to buy them and result in  
45 an increase in the harvest.

46

47 MR. UMPHENOUR: Thank you. Mr. Chair.

48

49 CHAIRMAN MIKE: Thank you, Dan. Do we  
50 have any other agency comments? There's also an

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1 opportunity for the public, if they want to comment on  
2 the customary trade proposed rule, they can fill out a  
3 card, just to get on the record -- but if not, do we have  
4 any more agency comments? BLM. Taylor.

5

6 MR. BRELSFORD: Thank you very much. I  
7 think it's important to kind of keep in historic  
8 perspective what's on the table before us now. One  
9 alternative in the management of customary trade is the  
10 case by case, you permit a specific fishery approach.  
11 And for a number of years, this has been the framework  
12 that the State has used. The dilemma for us has been  
13 that only one of those permits was authorized since the  
14 early '90s. So it seems a possible alternative but it  
15 was a functioning, a working alternative on the ground.  
16 So at the time the Federal Subsistence Board began to  
17 move towards creating a Federal Subsistence Fisheries  
18 Program, there was considerable concern and history  
19 throughout rural Alaska about the failure, openly, to  
20 effectively provide for customary trade. And so the  
21 Federal Subsistence Board did approach customary trade in  
22 a more broad ranging way, that is to say, it is  
23 authorized so long as it didn't go over this threshold of  
24 significant commercial enterprise.

25

26 What's on the table right now is to try  
27 and fix what was seen as a potential area of abuse and  
28 that had to do with the potential of commercial  
29 processing and fish buying sectors, to draw in customary  
30 fish that were taken in subsistence through customary  
31 trade.

32

33 So we think that has been the most  
34 dramatic area for potential abuse. That it is at  
35 industrial or commercial scale and if that -- if we don't  
36 create a firewall, a separation between subsistence  
37 harvesting and sharing on the one hand and then the  
38 commercial industry on the other, that's where large  
39 scale abuses are possible. So what this regulation does  
40 is focus on the most significant area of risk, that is,  
41 to say large scale commercialization. I think the Board  
42 and the Task Force and the Regional Councils realize  
43 there are some region specific issues that need to be  
44 sorted out. If you look through the comments from  
45 individual Regional Councils, some of them have said in  
46 times of shortage, customary trade gives way to food  
47 production. There's some other creative ideas out here  
48 but we haven't had the chance to put them altogether in  
49 these sort of region specific approaches.

50

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1                   So I think what the Board has adopted  
2 right now or put on the table is the firewall between the  
3 subsistence sector on the one hand and the commercial  
4 sector on the other. We think everybody agrees that  
5 that's important to do. It's an important step for now.  
6 And a lot of the discussion about how can we tailor  
7 approaches in individuals is welcome. There's still some  
8 creative ideas out there that we haven't put altogether  
9 yet. So I would sort of offer the perspective that let's  
10 get the largest area of risk off the table, let's set the  
11 boundaries on prohibit commercialization or large scale  
12 commercialization of subsistence resources and then let's  
13 continue to do the creative work on these region by  
14 region solutions. Let's draw in some more of the good  
15 thinking on that.

16  
17                   So that's kind of, in my mind, the  
18 context of the Federal Board acting a couple of years  
19 ago, now needing to fix a potential area of significant  
20 risk but we're not done. We need to continue on for some  
21 of these regional solutions in the upcoming year.

22  
23                   Thank you.

24  
25                   CHAIRMAN MIKE: Any further agency  
26 comments. If not we can get into deliberation on the  
27 customary trade issue. During our working training  
28 session Monday morning with the new Council members, the  
29 new Council members saw a need to have a work session to  
30 address the customary trade and they've develop some  
31 talking points to get the Council going as far as  
32 customary trade issues and concerns. Jerry, are you  
33 willing to present that?

34  
35                   MR. BERG: I can put it up on the screen  
36 here.

37  
38                   CHAIRMAN MIKE: Okay. And Sue or Virgil,  
39 you can participate in this discussion also. Thanks.

40  
41                   MR. UMPHENOUR: Where I'd like to start  
42 out is an example of abuse that took place in 1987, abuse  
43 of subsistence fisheries. There were three processes  
44 located in Nenana. The commercial fishery was totally  
45 closed. One processor produced 77,000 pounds of finished  
46 product caviar. Another one 33,000 pounds and another  
47 one 12,000 pounds. You divide .7 into that because  
48 that's the recovery rate for -- from raw roe to finished  
49 product caviar and considering the Yukon fall chum salmon  
50 has approximately a pound in it, that's 174,000 female

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1 chum salmon were killed and all the caviar was marketed  
2 and the value of that caviar was about a million and a  
3 half dollars for that year.

4

5 I just wanted to point that out to show  
6 one of the potential things for abuse and why, myself, as  
7 a Council member, I don't think any fish roe should be  
8 allowed to be sold as customary trade because it can be  
9 shipped direct to Japan. There are non-stop flights from  
10 Fairbanks straight to Tokyo on Luftsansa Airlines and Air  
11 France and Cargo Lux. But that's just an example of what  
12 could happen. And with the stock status of our fisheries  
13 on the Yukon and the Kuskokwim River, both, we cannot  
14 afford any increased harvest of any kind, especially when  
15 we've had our subsistence fisheries restricted and  
16 curtailed in the last couple of years.

17

18 But we worked last night and came up with  
19 some language. I'm going to have to go over there so I  
20 can see it but we were addressing two items, one was the  
21 roe and the other one was the potential for dog teams,  
22 commercial dog kennels to want to buy primarily Yukon  
23 River fall chum salmon. And the reason why they want the  
24 Yukon River fall chum salmon is because the average oil  
25 content of a Yukon River fall chum salmon, when it gets  
26 to the bridge is somewhere between 10 and 12 percent oil  
27 content. A chum salmon that's caught in Southeast Alaska  
28 or practically anywhere else in the state except for  
29 maybe a Kuskokwim or a Kotzebue chum salmon is normally  
30 going to be less than three percent oil content and a lot  
31 of them, like in Prince William Sound, southern Southeast  
32 maybe might not be more than a percent and a half oil  
33 content and that's why the dog mushers want these large  
34 oily Yukon River fall chum salmon. And another reason  
35 is, is the time of the year that they can harvest them.  
36 If they can harvest them in September when they're much  
37 easier to put up, dog mushers will crib them and they  
38 call them sour fish and the dogs like them. But there is  
39 a heck of a market for those fish among commercial dog  
40 kennels.

41

42 I'm going to move over here so I can see.

43

44 MR. UMPHENOUR: Anyway, what we see up  
45 there is what we were trying to do last night and there  
46 was several us in here working on it, was trying to  
47 figure out how to close loopholes where there's potential  
48 for abuse and the first one is the roe and the second one  
49 is commercial dog kennels. And so we were trying to find  
50 out how we could address what would be a commercial dog

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1 kennel. And so I suppose what we should do is start up  
2 there with No. 11 where we struck out, or their eggs.  
3 And that's out of the language that's found on Page 5.  
4 Then we did the same thing in Paragraph 12. And then we  
5 wanted to address -- figure out somehow to address what a  
6 significant commercial enterprise is.

7  
8                   And so what our thinking was when you're  
9 selling fish to someone that's not a rural resident they  
10 should not be sold -- the person that's buying them  
11 should not be buying them with the intent to resell them  
12 because that would be a commercial enterprise. If  
13 they're going to resell them they're buying them for  
14 commercial purposes, to make a profit off of investing  
15 money and buying subsistence caught fish. They should be  
16 buying them for their own personal or family consumption  
17 not to resell them. And that also violates, not only DEC  
18 -- State DEC regulations but that would also violate  
19 Federal regulations by the Food and Drug Administration  
20 because the Food and Drug Administration regulations say  
21 that all fish have to be cleaned under what they call  
22 HACCP standards and processed under HACCP standards,  
23 which is Hazard Analysis Critical Control Point. They're  
24 extremely strict on that. And if somebody has a  
25 fisheries business license does not comply with those  
26 standards, their business gets shut down and they can get  
27 a big fine and they cannot sell anymore fish or anymore  
28 product until they have clean tests of those fish. Like  
29 if it's smoked fish, for instance and they find listeria  
30 on your smoked fish, you have to do three more batches of  
31 that type of fish before you're allowed to produce  
32 anymore of it for sale and they physically destroy all of  
33 that lot number and if you don't have your fish kept in  
34 lot numbers they destroy all your fish of that type of  
35 product. That's how strict they are.

36  
37                   So unless it's for personal or family  
38 consumption it would be violating Food and Drug  
39 Administration.

40  
41                   Regulations, I don't see how one Federal  
42 agency can promulgate a regulation that is in direct  
43 conflict with another Federal agency. So then we also  
44 put down \$200 per person a year in sales instead of a  
45 thousand dollars a person a year in sales per household.

46  
47                   And what we did is we tried to figure out  
48 what it cost to catch fish. And I can just think of one  
49 family I know in Kaltag where -- or one group of families  
50 and I use these people as an example because I know them

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1 very personally, the Burnham family, the Esmalka family,  
2 they're fishing for four households. Two of the adult  
3 men with a couple of kids and they go out and they catch  
4 the fish. They're catching king salmon, they want to get  
5 about 30 king salmon in a day and then they've got about  
6 20 people in these households, you know, the four  
7 households. But for them to go out and catch those 30  
8 king salmon in a day it might take them, if the fish run  
9 is a normal type fish run and there have been closures  
10 like there were last year in the lower river where they  
11 are only allowed to fish two 36-hour openings a week now  
12 for subsistence, then they can go out there and they can  
13 catch their 30 fish in two to four hours. And so in  
14 order to run their outboard because they're just drifting  
15 most of the time, they might use five gallons of gas.  
16 Well, five times three is 15, that's what gas cost there.  
17 And they've got a quart of oil in there, too, that's  
18 another four bucks for the quart of oil. So it costs  
19 them \$20 a day to go out and catch their subsistence  
20 fish. They need maybe 120 to 150 fish for those four  
21 households, king salmon, that's what they need. At the  
22 very most 200. So that's about three days worth times 20  
23 -- no, that would be more than three days worth, that  
24 would be about six days worth. But anyway, six times 20  
25 is \$120. So here we've got four households, a total of  
26 about 20 people and it's going to cost them about \$200  
27 for king salmon for the year, their needs. That's how I  
28 personally analyze this.

29  
30 So what we've got there, is 20 times what  
31 is needed in this specific instance. In some instances  
32 it's going to be harder for people to catch fish because  
33 of where they live.

34  
35 But anyway, the thousand dollars to me,  
36 if that was put in there, if that was put in there, the  
37 only thing that would be doing is promoting a new  
38 commercial fishery, that's my personal opinion, and  
39 calling it a subsistence fishery.

40  
41 Now, if we could click that up a little  
42 bit. Well, back down a little bit so we can look at No.  
43 13. No purchase by fisheries businesses. If you are  
44 required to be licensed as a fisheries business under  
45 Alaska Statute and, the number, you may not purchase or  
46 receive for commercial purposes or barter or solicit to  
47 barter for subsistence taken fish, their parts or their  
48 eggs, you know, that's what's in Paragraph 13. And so  
49 what we added to it was any person with an Alaska State  
50 business license who runs commercial dog teams are not



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1 allowed to buy and feed subsistence caught salmon to  
2 dogs. We should maybe just have fish to dogs. And then  
3 we put a definition -- because there are places where  
4 people go target and, believe it or not, dolly varden,  
5 rainbow trout, these are idiots that are subsistence  
6 abusers with gillnets to feed the dog teams. I know of  
7 cases of this happening. And I know lots of cases where  
8 they go target pike and whitefish to do this. And of  
9 course, the pike they're targeting are the big females  
10 that are 20, 30 years old and they're extremely  
11 susceptible when they catch them in the wintertime when  
12 they're in their overwintering areas. But a definition  
13 of a commercial dog team would be a business that leases,  
14 rents, races or otherwise provides services with their  
15 dogs or dog teams for money or enumeration, which is  
16 services other than money, excluding amateur events. So  
17 this does not exclude the true subsistence dog team. But  
18 we're attempting to target commercial dog teams.

19

20                   And I've had another thought over lunch  
21 how you could potentially figure out whether another  
22 analysis of what a commercial dog team is, is you could  
23 figure out a percent of that person's income that is  
24 derived from his dog business. But I know of people that  
25 are -- they call themselves subsistence users but they  
26 make 100 percent of their money off of their commercial  
27 dog teams that live near where I live and they feed those  
28 dogs -- some of them will catch six, 8,000 subsistence  
29 caught salmon a year for those dogs where people up at  
30 Fort Yukon, which is upriver from them may have a hard  
31 time just catching enough fish to feed their children.

32

33                   So that's my feelings on this. So I'd  
34 like to hear what the other Council members feelings are  
35 on it. I've looked at this issue for probably 18 years.  
36 I've seen abuses. Whenever I knew all this stuff was  
37 going on, when they did 122,000 pounds of illegal roe I  
38 was so damned mad that I told the State Troopers if you  
39 guys don't go do something, I'm going to go buy a case of  
40 dynamite and I'm going to blow up everyone of those damn  
41 fishwheels that are illegally fishing and selling  
42 subsistence caught fish and eggs. That's how upset I was  
43 about it. The Troopers finally did something about it.

44

45                   But anyway, these are my feelings on  
46 this. I have a lot of experience and being aggravated  
47 about it and hearing people that say, no, this is my  
48 right to go harvest all these fish and I can have 100  
49 dogs if I want and I can catch all the fish I need to  
50 feed them, and that's my subsistence rights. Well, to

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1 me, it's not their subsistence rights whenever people  
2 upriver can't catch enough fish to feed their children.  
3 But that's how I look at it.

4

5 Mr. Chair.

6

7 CHAIRMAN MIKE: Thank you. May I suggest  
8 a few items that we discussed to get the discussion  
9 started and this is an opportunity for each individual  
10 Council members to, if they have further suggestions or  
11 ideas on the customary trade definitions, now is the  
12 opportunity. So Council members.

13

14 Terry.

15

16 MR. HAYNES: Thank you, Mr. Chairman. I  
17 just had a clarification to ask Virgil. Did you intend  
18 that your language be inserted as a statewide regulation  
19 as opposed to just the Yukon area?

20

21 MR. UMPHENOUR: I've spoken to RAC  
22 members in Bristol Bay and I -- you know, Southeast  
23 Alaska, they can do what they want but I think it ought  
24 to apply to everyplace but Southeast Alaska myself.  
25 Prince William Sound, we've got the Copper River down  
26 there and if they make it so that you can sell a thousand  
27 dollars worth a year, there's some extreme temptation  
28 there with those Copper River sockeye and king salmon,  
29 for that to be abused. I mean there's some extreme  
30 temptation there because their transportation is easier  
31 than it would be on the Yukon or the Kuskokwim. So I  
32 think everyplace but Southeast and they can do what they  
33 want in Southeast.

34

35 MR. HAYNES: Thank you.

36

37 CHAIRMAN MIKE: George.

38

39 MR. SHERROD: I'd like to point out, the  
40 way it's written, the wording on the portion dealing with  
41 consumption, that that might be interpreted that the  
42 regulation is intended to regulate the buyer.  
43 Historically the Board has taken the position that we do  
44 not regulate non-subsistence users, so it might be  
45 worthwhile to clarify this and place the burden on the  
46 seller and make that clear, that we are regulating the  
47 subsistence harvester and not the non-subsistence buyer.

48

49 MR. UMPHENOUR: That's a good point.  
50 That was my intent and I think that was our intent last

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1 night when we were working here together.

2

3 Right. Now, all this is basically intent  
4 language that's up there. It might need to be  
5 manipulated -- well, it would need to be manipulated by  
6 one of, I guess, they call them solicitors. The people  
7 who rewrite this stuff so that it's all legal.

8

9 We don't have a person from the  
10 solicitor's officer here, do we?

11

12 MR. RIVARD: No.

13

14 CHAIRMAN MIKE: Again, these are  
15 recommendations that we're developing that the Board will  
16 take into consideration. So, you know, this is an  
17 opportunity for all the Council members to get their  
18 recommendations in. If they disagree with this language,  
19 you know, you can have a minority opinion on the language  
20 there. So it's in the Council's hands.

21

22 MR. UMPHENOUR: Let me just say one  
23 thing, I'm not trying to bulldog everyone here. This is  
24 something we all have to vote on -- well, kind of a way  
25 to make things run in a more fluid manner is to take one  
26 item at a time -- if you're trying to write a plan or  
27 something, is to take one item at a time and see -- and  
28 just do each one of those and then each Council member  
29 give their opinion on it, whether they like it, they  
30 don't like it, whether they want to modify it or how they  
31 want to modify it or delete it period or whatever their  
32 personal opinion is on it and then see if we have a  
33 majority of people that agree on something and then if we  
34 do move onto the next part of it, would be a logical,  
35 maybe way to do it so we don't waste our time.

36

37 CHAIRMAN MIKE: Okay, what is the wish of  
38 the Council, do you want to address each section and get  
39 a view from each Council member?

40

41 MR. STEVENS: Yeah, that would be a good  
42 idea.

43

44 CHAIRMAN MIKE: Go ahead Tricia.

45

46 MS. WAGGONER: This is kind of maybe a  
47 little late in asking this question but within the  
48 Federal and State agencies on how much customary trade is  
49 being generated right now and how is it being abused? Is  
50 it being abused? I mean are we trying to fix something

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1 that isn't broke, kind of thing? I mean I know that  
2 people make fish strips and they sell them at the  
3 Fiddler's Fest, at AFN, you know, to me that's customary  
4 trade. You know, the roe situation was in '88?

5

6 MR. UMPHENOUR: It was in '87, but I can  
7 tell you right now in Southeast Alaska, this year, for  
8 hatchery roe they were paying -- they paid for cost  
9 recovery chum salmon over 60 cents a pound to the  
10 hatcheries, that's for the whole fish, head, guts and  
11 all.

12

13 MS. WAGGONER: I know, but this year, I  
14 mean has there been major abuses within our region this  
15 last year or the last five years, rather than somebody  
16 making a few hundred dollars selling fish strips at AFN?

17

18 CHAIRMAN MIKE: Tricia, if we have a  
19 State representatives that have some social background as  
20 far as subsistence use is concerned, maybe Terry or Dan  
21 Bergstrom can address Tricia's concern? I'm sorry, can  
22 we get the State to address the subsistence concern?

23

24 MR. HAYNES: Mr. Chairman, Trish. That's  
25 a question we have because we don't have a good  
26 understanding of the extent of activities that occur  
27 under what would constitute customary trade. We believe  
28 it's very important to have a better handle on what the  
29 level is now so that whatever regulation might eventually  
30 be implemented you'll be able to determine if  
31 implementation of that regulation changes, what's already  
32 occurring. When we look at amounts necessary for  
33 subsistence on the State side, we include within those  
34 numbers the amounts necessary for subsistence, what we  
35 believe are numbers of fish being used for customary  
36 trade purposes. It's our hope that whatever customary  
37 trade regulation ends up being adopted, it should not be  
38 increasing use, it should be authorizing and protecting  
39 current levels of use but not promoting an increased use  
40 that might verge on a commercial activity.

41

42 But the bottom line is we feel it would  
43 be very helpful to have some more information about the  
44 level and extent of activities that are currently taking  
45 place that would fall under the customary trade  
46 provisions.

47

48 CHAIRMAN MIKE: Does that answer your  
49 question, Tricia?

50

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1 MS. WAGGONER: Yeah, sort of. Just to me  
2 it seems to be, in my personal experience, just by  
3 setting a limit then people are going to take it to the  
4 limit, rather than being a self-regulating industry. And  
5 so personally I'm having a really hard time grappling  
6 with the entire issue of trying to define and set limits  
7 on customary trade. So, yeah, just grappling with it.

8  
9 CHAIRMAN MIKE: Sue.

10  
11 MS. ENTSMINGER: Yes. If I understand it  
12 correctly, the State of Alaska manages the fisheries on  
13 the Yukon, correct? Like Dave Bergstrom does the -- you  
14 know, opens and closes the seasons on the Yukon, correct?

15  
16 MR. HAYNES: Mr. Chairman. It's a joint  
17 management that takes place now.

18  
19 MS. ENTSMINGER: For two years now?

20  
21 MR. HAYNES: Yes.

22  
23 MS. ENTSMINGER: And don't we have some  
24 numbers here that show, like what the subsistence take  
25 was?

26  
27 MR. HAYNES: Yes, there's harvest  
28 monitoring that's conducted every year. If you wanted  
29 specifics about that we have Staff here that could talk  
30 more about that.

31  
32 MS. ENTSMINGER: And the concern I hear  
33 from the State is there's really no way of knowing of the  
34 subsistence harvest take of the salmon, how much of it  
35 might have been traded or not?

36  
37 MR. HAYNES: There haven't been  
38 systematic efforts made to determine those amounts.  
39 There might be ways of doing estimates in some places but  
40 we don't really -- that's not a category of information  
41 that we've routinely tried to record.

42  
43 MS. ENTSMINGER: In the Copper River they  
44 go the number of fish on, like the fishwheels so these  
45 are gillnetted fish probably with their commercial  
46 gillnets?

47  
48 MR. HAYNES: I'm sorry, I missed the  
49 question.

50

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1 MS. ENTSMINGER: I'm sorry. Is this one  
2 managed by number, how much they can take or is it just  
3 an open and closure?

4  
5 MR. HAYNES: On the Yukon?

6  
7 MS. ENTSMINGER: Yes.

8  
9 MR. HAYNES: The Yukon has opening and  
10 closing dates but I'm not aware of -- I don't believe we  
11 manage by numbers, do we?

12  
13 MR. BERGSTROM: No harvest limits.

14  
15 MR. HAYNES: It's just they're opening  
16 and closings and however many you can catch during the  
17 legal openings.

18  
19 MS. ENTSMINGER: I guess I'm kind of  
20 interested in seeing the numbers, I guess it might be a  
21 lot to ask. And what I'm understanding is a concern that  
22 those numbers would increase greatly?

23  
24 MR. HAYNES: I think that's an unanswered  
25 question. I think it's sort of what Trish was saying as  
26 well, that if you have some sense of what level of  
27 customary trade is occurring now, prior to a regulation  
28 being implemented, it allows you to look and see what  
29 happens after that regulation's implemented, to see if  
30 numbers increase or decrease and there may be other  
31 reasons for those numbers increasing or decreasing but it  
32 at least gives you a baseline and that could be very,  
33 very helpful if you're trying to understand the effect  
34 of a regulation.

35  
36 CHAIRMAN MIKE: Virgil.

37  
38 MR. UMPHENOUR: Something, I think, maybe  
39 people don't quite realize, is that, under State  
40 regulation right now, it's totally illegal to sell any  
41 subsistence caught fish or their parts for the greenback  
42 dollar. What we're talking about here is asking -- what  
43 the Department has been asked is, how many people have  
44 been conducted illegal activities? And of course, if  
45 someone's out breaking the law they're not going to go  
46 tell the Department so the Department can keep a record  
47 of how much money they've made illegally selling fish.  
48 So that's -- I don't -- I think it's an unfair question  
49 to ask the Department.

50

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1                   What this would do, because we're all  
2 sitting here, you know, because the Federal law is  
3 different than the State law, is make it so that it is  
4 legal and establish limits and try to close potential  
5 loopholes for abuse. That's what my goal is in this  
6 process.

7  
8                   But currently, it is still illegal to  
9 sell any part of a subsistence caught salmon to anyone  
10 for a greenback dollar. You can trade it, et cetera, you  
11 know, trade and barter but as far as selling it, that's  
12 totally illegal under State law and if I'm wrong I'd like  
13 someone from the Department to correct me. But I just  
14 wanted to make that clear, so there's no way in heck  
15 they're ever going to -- the people that are violating  
16 the law are going to come and tell the Department, hey,  
17 look, I'm out here violating the law, I caught 5,000 chum  
18 salmon and I sold them to this dog musher down there at  
19 Wasilla for a dollar apiece. They're not going to come  
20 and tell them that.

21  
22                   CHAIRMAN MIKE: I think we had someone  
23 from the Fish and Wildlife Service that may be addressing  
24 Tricia's earlier concern. Are you going to be addressing  
25 Tricia Waggoner's concern, her statement earlier?

26  
27                   MR. CEGELSKE: Jerry Cegelske with the  
28 Law Enforcement Division of Fish and Wildlife Service.  
29 This last summer enforcement agents and Refuge  
30 enforcement officers conducted patrols of the mid- to  
31 lower portion of the Yukon and Kuskokwim Rivers during  
32 June, July and August. Overall general compliance was  
33 good. But to get to your question specifically, agents  
34 found a significant market existing for salmon strips and  
35 dry fish made from subsistence caught salmon. This was  
36 documented in several lower Yukon River villages. Agents  
37 purchased salmon strips and dry fish in person and  
38 arranged for future purchases to be sent out of state and  
39 interstate commerce. The amount of fish offered for sale  
40 via interstate commerce appeared to be unlimited with the  
41 limit how much the buyer wished to purchase.

42  
43                   What's basically happening is because  
44 people have a geographic advantage over others, is that,  
45 they're taking more of the resource than should be  
46 allowed in that position because of the sales aspect of  
47 it and therefore, if I want to buy one ton of processed  
48 salmon strips for \$15 a pound, that generates \$30,000  
49 worth of income for that person that's living downstream,  
50 whereas the person at Fort Yukon is going to get zero on

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1 that. And the way things are set up right now, an  
2 individual could go to the river, harvest every salmon  
3 that came in and not let anything go past that and  
4 there's no reason, with the exception of closures, that  
5 would allow any fish to get by for the upper river  
6 subsistence users.

7

8 And that goes back to the question that  
9 was raised, should fish be fed to dogs or should it be  
10 allowed to go upstream to feed people and their children.

11

12 Any questions.

13

14 CHAIRMAN MIKE: Any questions. Tricia.

15

16 MS. WAGGONER: Great. Thank you very  
17 much. I appreciate your comments on that. And since  
18 you're in law enforcement the next question is, is the  
19 rapids at Rampart, is that under Federal jurisdiction for  
20 subsistence?

21

22 MR. KRON: (Shakes head negatively)

23

24 MS. WAGGONER: No. Tom's indicating no.  
25 So how, now, do you regulate the subsistence fishery  
26 from, you know, if we define -- based on our definition  
27 of customary trade, then how do you regulate the  
28 subsistence fisher at the rapids versus the one that's 30  
29 miles above Steven's Village from selling?

30

31 MR. CEGELSKE: The only way you could do  
32 that would be to catch them in the act of selling, which  
33 would be a State violation on that unless it was  
34 interstate commerce.

35

36 MS. WAGGONER: So the subsistence user at  
37 the rapids can't sell because they aren't within Federal  
38 subsistence waters whereas the one from Steven's Village  
39 could; is that the way it works?

40

41 MR. CEGELSKE: If they're in State waters  
42 they're prohibited under State law from selling any  
43 subsistence caught fish. However, the Federal  
44 subsistence users are allowed, under Federal regulations  
45 to sell subsistence fish.

46

47 MS. WAGGONER: Okay. Thank you very  
48 much.

49

50 CHAIRMAN MIKE: Okay, just to keep us



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1 focused and moving along, we had a suggestion earlier to  
2 address each section, 11, 12 and 13 and see what  
3 individual Council member thinks of each section starting  
4 with No. 11. And if that's the wishes of the Council we  
5 can do that. I see everybody agrees and we'll start with  
6 Mr. Stevens, Section 11.

7  
8 MR. STEVENS: Boy, I'm having a hard time  
9 absorbing all of this all at once. I did read it before  
10 we came to the meeting but I didn't realize we were going  
11 to go into it this deep, this is really blowing me away.  
12 With the first section, Section 11 there, I didn't have  
13 any problem with it the way it was written. Between  
14 Steven's Village and Beaver and Fort Yukon a lot of the  
15 times, we do an awful lot of trading with each other,  
16 eggs being part of it. I guess I'll just have to say  
17 that I didn't have a problem with the first section with  
18 the eggs language being in there.

19  
20 CHAIRMAN MIKE: Virgil.

21  
22 MR. UMPHENOUR: Okay, thank you. This is  
23 for sale, this part of it. Transaction between rural  
24 residents, this is not barter we're discussing, we're  
25 discussing customary trade which means selling for money.  
26 And I just wanted to clarify that. And the only change  
27 we've made is I put up there to delete the eggs, to be  
28 able to sell the eggs between rural residents and the  
29 reason why -- I know where you live there's no one that  
30 knows how to process those eggs but I'll tell you what,  
31 when you go down the river a ways, there are egg  
32 production, caviar production facilities in every  
33 village, starting at Galena all the way to the mouth of  
34 the Yukon.

35  
36 CHAIRMAN MIKE: Sue.

37  
38 MS. ENTSMINGER: That makes me think you  
39 could allow egg exchange up north or further up the  
40 Yukon. So I'm like Jay, this is a lot to consume all at  
41 once, to get dropped on your shoulders and have to make a  
42 decision. But I'm actually open because I think we  
43 should have a strong concern about the resource since  
44 it's been in trouble for several years.

45  
46 So, Jay, do you think that having --  
47 that's important to have it sold for cash, eggs in your  
48 region?

49  
50 MR. STEVENS: No, we don't -- we barter,

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1 we don't buy. Does that answer your question?

2

3 MS. ENTSMINGER: Yeah. So would you be  
4 opposed to it being withdrawn from that language?

5

6 MR. STEVENS: Well, you'd have to take  
7 into consideration what Virgil was saying about the Lower  
8 Yukon, that just throws a wrench into everything.

9

10 CHAIRMAN MIKE: Tricia.

11

12 MS. WAGGONER: We could define it  
13 regionally, upstream of the Rampart Rapids, you know, I  
14 mean -- you know, we could say customary trade of eggs is  
15 legal above Rampart Rapids and you can't have customary  
16 trade of eggs below Rampart Rapids, or something along  
17 that line. You know, if you wanted to leave that option  
18 open.

19

20 CHAIRMAN MIKE: Virgil.

21

22 MR. UMPHENOUR: The only thing I want to  
23 point out is that this is for selling. It would, in no  
24 way -- nothing that we do here in these three sections,  
25 is in no way going to restrict barter, which means  
26 trading anything, you know, trading your fish for gas,  
27 trading your fish for moose jerky or whatever or trading  
28 salmon for pike, it's not going to affect any trading,  
29 which is barter, this is only affecting selling it from  
30 one person to another for money. But one of the areas  
31 that had the biggest abuse was the area between Rampart  
32 and the Yukon River bridge and there's been some actual  
33 criminal convictions come out of that area. People lose  
34 boats and all kind of -- giant fines and everything over  
35 this exact thing under State law.

36

37 CHAIRMAN MIKE: Tricia.

38

39 MS. WAGGONER: But based on what the law  
40 enforcement said, that's -- no matter what we say in  
41 these regulations that's still illegal there no matter  
42 what because that's State waters, at the rapids?

43

44 MR. UMPHENOUR: Right. I think one of  
45 the goals in this entire process, because we have a dual  
46 system here, you know, I participate in the State system  
47 as far as making all the regulations there, I have for  
48 almost eight years. And one of the things that we're  
49 trying to do and we've already done some of that in this  
50 meeting here is have consistency in regulations between

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1 all the various management entities and this is a start.  
2 That's where we're at. We're working on that to try to  
3 have that. I can't speak for all the regulators in the  
4 state but I am one of the people that regulates fish in  
5 the state and every opportunity we get to where the  
6 Federal agencies and the State agencies can have the same  
7 regulation and have it consistent, so there's no  
8 confusion among the users, so we have consistent  
9 regulations that's what we're doing. We're doing that  
10 every time we get the opportunity.

11  
12 So I look at this as the first step in  
13 doing that, is the way I look at it. And I look at it as  
14 being a responsible adult that can stand and look at  
15 myself in the mirror and say, I did the best I could to  
16 conserve our salmon resources that are in absolutely  
17 pitiful biological trouble.

18  
19 CHAIRMAN MIKE: Jim Wilde, do you have  
20 any comments on Section 11?

21  
22 MR. WILDE: Yeah, I have a lot of  
23 problems with this customary trade. I have a question  
24 for Mr. -- Jerry, I'm sorry, I can't remember your last  
25 name. It seems to me we're creating a nest of worms and  
26 an almost impossible situation for you to regulate this.  
27 We're not going to regulate it at all because we can't  
28 touch a non-subsistence user. Do you have any -- could  
29 you give me a simple explanation how you're going to do  
30 it?

31  
32 MR. CEGELSKE: Well, you're not creating  
33 a can of worms because it's already here.

34  
35 MR. WILDE: Yeah.

36  
37 MR. CEGELSKE: What we need is simple,  
38 clear regulations which people can understand with as few  
39 exceptions as possible.

40  
41 If you have a situation where the sale of  
42 fish eggs is prohibited, that's something that we can  
43 work with. And in the past, as Virgil's mentioned,  
44 there's been cases where the eggs are worth more than  
45 what the fish is. So what you have is people that are  
46 stripping roe, taking the eggs out, they throw the  
47 carcass back in the river because that's an automatic  
48 flush down the Yukon and that's even being done in some  
49 areas in Southeast with the aquaculture corporations  
50 because they can make cost recovery on the eggs but they

00151

1 can't make anything on the fish carcasses because they're  
2 totally useless. You know, it costs more to transport  
3 them anyplace than what they can make off of them.

4

5                   So what you would have to do is have a  
6 prohibition on that. I'm not sure it would be needed to  
7 prevent any barter. But to say that one area could sell  
8 them above the Yukon River bridge or something like that,  
9 what would you do if a guy was hauling one ton of salmon  
10 eggs, he's one mile below the bridge and going wide open  
11 for the bridge and as soon as he crossed the line he  
12 could sell them. You know, that's unworkable.

13

14                   CHAIRMAN MIKE: Jay, what's your comments  
15 on Section 11, do you have any comments? So far I  
16 haven't heard any consensus from the Council. Mr.  
17 Stevens would like to maintain he keep eggs in there  
18 because he -- Tricia Waggoner suggested that we put a  
19 boundary, either downriver at Galena or upriver at  
20 Galena.

21

22                   MR. STEVENS: You know, one thing that we  
23 aren't taking into consideration here is the actual  
24 options that the Federal Subsistence Board has laid out  
25 here in the book. The permitting and what not.

26

27                   MS. ENTSMINGER: The options?

28

29                   MR. STEVENS: We haven't even looked at  
30 any of the options in the book yet.

31

32                   CHAIRMAN MIKE: Mr. Tim Jennings from our  
33 office, is that an option that the Council can address,  
34 the options that are laid out in the back?

35

36                   MR. JENNINGS: (Nods affirmatively)

37

38                   CHAIRMAN MIKE: Mr. Jennings nodded yes.  
39 Okay, we're still on Section 11, we -- okay, Virgil, go  
40 ahead.

41

42                   MR. UMPHENOUR: I think the taking of  
43 eggs, disallowing eggs to be sold is probably the most  
44 important thing we can do to conserve the salmon  
45 resources in all of western Alaska and throughout the  
46 state, in fact. I don't care about it in Southeast  
47 because they're all hatchery fish, they've killed off  
48 their wild stocks so if they do that to their hatchery  
49 fish, so what. But every place else the fish are wild.  
50 And what I said awhile ago about the illegal activities

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1 that took place in 1987, that was 122,000 salmon eggs,  
2 finished product caviar which equates to 160,000 female  
3 salmon that were killed and a big portion of those were  
4 just pitched back in the river. They killed them for  
5 their eggs because they were getting good money for the  
6 eggs. This has been a big problem, not just on the Yukon  
7 but in other parts of the state, too. And there's people  
8 that are sitting in this room right now, like Mr.  
9 Andersen that works for the National Park Service, maybe  
10 we should ask Mr. Andersen -- I'd like to ask Mr.  
11 Andersen to come up here and tell me what he thinks,  
12 whether -- I'd like him to just answer a question and my  
13 question is what is the most important thing we can do to  
14 discourage people from killing salmon under the guise of  
15 customary trade to just make money? Did you hear my  
16 question, Mr. Andersen?

17

18 CHAIRMAN MIKE: Sue.

19

20 MR. UMPHENOUR: Mr. Andersen was a  
21 manager on the Yukon River for in excess of 20 years and  
22 he knows all about this stuff. He's a professional that  
23 works for the Park Service. Did you hear my question,  
24 Mr. Andersen?

25

26 MR. ANDERSON: Would you repeat the  
27 question, please?

28

29 MR. UMPHENOUR: My question is this. If  
30 there's one single thing that we could do that would  
31 discourage abuse -- if we're going to allow customary  
32 trade, that would discourage growth in the subsistence  
33 fishery and abuse of the subsistence fishery by excessive  
34 harvest to make money -- to meet your money needs, do you  
35 think that maybe disallowing the sale of roe might be  
36 that one thing or how do you think that would fit into  
37 that? That's discouraging people to go subsistence  
38 fishing just to make money.

39

40 MR. ANDERSON: Mr. Chairman, that's a  
41 complicated question. I think -- the Council members  
42 understand now that this is a very complicated and thorny  
43 issue and one that's not easily resolved in the course of  
44 an afternoon. I think maybe the fundamental question  
45 here is whether or not stocks, such of those, salmon --  
46 such as those in the Yukon River that have been declared  
47 by the Board of Fisheries as stocks of concern should be  
48 subject to any sale whatever at this time. I mean it  
49 seems to me, the fundamental point in the continuum. You  
50 need to get past that first.

00153

1                   And I think Dan Bergstrom mentioned this  
2 this morning -- well, first of all, there's a reasonable  
3 upper limit to the number of fish that a family can put  
4 to good use. You can only eat so many and your extended  
5 family can only eat so many. It's a much different  
6 question, though, of how many dollars a person can accrue  
7 and use to provide for his family. There's no -- in my  
8 mind, at least, there's no reasonable upper limit to  
9 that. And human nature being what it is, we've seen  
10 some horrific abuses on the Yukon and Kuskokwim River  
11 when the sale of salmon roe was legal. And it was legal  
12 by emergency regulation issued by Commissioner Jim Brooks  
13 in 1974 and continued to be legal through 1977. It was  
14 legal for a four year period. And it was a well  
15 intentioned regulation. They wanted people to take  
16 advantage of an unavoidable byproduct of lawful  
17 subsistence fishing. They were trying to make maximum  
18 use of these animals, of every part of these animals that  
19 were going to be killed anyway. It seemed like a  
20 reasonable thing to do but it just -- it was very, very  
21 difficult to regulate. Within Alaska we've got 1,200  
22 miles of Yukon River and Kuskokwim salmon roe sales took  
23 place over 400 or 500 miles down there. And, again,  
24 human nature being what it was some people were willing  
25 to take and did take advantage of that. And an advantage  
26 continued to be taken after 1977 when the Board of  
27 Fisheries made the sale of subsistence eggs illegal. I  
28 mean people got used to deriving a fair chunk of income  
29 -- a fair chunk of their annual income in many cases from  
30 that. And that continued on the Yukon River, not so much  
31 on the Kuskokwim and middle and upper Yukon River for --  
32 until 1987 or 1988 when it was largely extinguished by  
33 the enforcement operations that you referenced earlier.

34  
35                   During the four years that sales of  
36 salmon roe were legal on the Yukon River, subsistence  
37 harvest increased by about 70 percent in the communities  
38 where -- on average of 70 percent in the communities  
39 where those sales took place.

40  
41                   As Dr. Haynes mentioned, though, that's  
42 not a simple cause and effect relationship necessarily.  
43 But the fact was we saw about a 70 percent increase in  
44 those communities. It could be that we had salmon runs  
45 at that time or fishing conditions were better or more  
46 people fishing. For whatever reason, though, there was a  
47 great many more salmon harvested at that time and  
48 continued to be harvested through the late '80s when the  
49 State finally cracked down on the illegal operations.  
50 But it was fortuitous, I guess, in the sense that salmon --

00154

1 the Yukon River was quite productive during that time  
2 and I don't think that even the most horrific abuses that  
3 we saw resulted in long-term resource damage.

4  
5 But something in the last few years,  
6 something dramatic has changed. We're not getting the  
7 returns that we're accustomed to getting. As has been  
8 mentioned by Dan and others, we've seen escapement  
9 failures in Canada three years running -- well, not just  
10 in Canada but throughout the Yukon River Drainage, we  
11 failed to meet -- largely failed to meet escapement needs  
12 for chinook salmon although we got a break last year on  
13 the king salmon run it continues to -- chum runs continue  
14 to decline. And that brings me back to my original  
15 point, is the sale of salmon from these depressed stocks  
16 something that you folks would like to see authorized or  
17 continue? I don't know what the answer is to that. I  
18 can't speak for you. But it seems to me you need to get  
19 past that before you can get into the details of it up  
20 here behind me. And only you folks can answer that  
21 question.

22  
23 But we've got some very, very serious  
24 problems. And as Dan mentioned or implied -- my personal  
25 view is that customary trade, the legalization of  
26 customary trade and the adoption of regulations to  
27 regulate probably won't change behavior throughout much  
28 of the state. But in areas like the Yukon and maybe the  
29 Kuskokwim, where people are accustomed to deriving a big  
30 chunk of their annual income from that fishery, I think  
31 there's potential for abuse. Not that it's going to  
32 happen necessarily, but it did in the past and it could  
33 again. And given that, coupled with the current collapse  
34 that we've seen of the salmon stocks, it seems to me that  
35 you need to ask that fundamental question about sales or  
36 any activity that might increase overall harvest at this  
37 time.

38  
39 So I don't know if that answers your  
40 question or not.

41  
42 MR. UMPHENOUR: That answers my question,  
43 Fred. But the only problem is -- well, I guess we could  
44 address whether there should be any sales allowed,  
45 period. We haven't really discussed that topic, maybe we  
46 should discuss it. But I just want to say a couple of  
47 things real quick and I may be wrong, and Fred can  
48 correct me and Dan Bergstrom can correct me if my  
49 memory's wrong.

50

00155

1 But the year before last on the Sheenjak  
2 River, the Sheenjak River's been averaging somewhere  
3 around 150,000 salmon on the spawning grounds, fall  
4 chums, I think the year before last they got 10,000, am I  
5 in the ball park? Fred, I'm in the ball park, aren't I?

6  
7 MR. BUE: Yeah.

8  
9 MR. UMPHENOUR: And in the Toklat River,  
10 the escapement objective, 33,000 fall chums, we had about  
11 3,000 the year before last, that's in the ball park  
12 right?

13  
14 MR. BUE: Yeah.

15  
16 MR. UMPHENOUR: So we're getting less  
17 than .1 to one return per spawner when we're supposed to  
18 be getting two and a half to one return per spawner.  
19 Something's drastically wrong. We're getting 1/25th of  
20 the fish coming back that historically have come back for  
21 each fish that's made it to the spawning ground. Only  
22 1/25th, something is drastically wrong. That's why we  
23 changed the subsistence fishing schedule in the Lower  
24 Yukon, to put fish up the river and to stop people from  
25 using customary trade, fishing seven days a week and  
26 selling the fish and then no fish get in the spawning  
27 grounds and the people in Steven's Village, Fort Yukon,  
28 Eagle not being able to catch fish to feed their family  
29 because the Department was having to totally close the  
30 subsistence fishery. And the Canadians not getting to  
31 catch any fish to feed their families, the same thing.

32  
33 So maybe we should ask that question. On  
34 the Yukon and the Kuskokwim, should we recommend no sale  
35 of fish, period. And then after we answer that question  
36 we can go back to what we were doing.

37  
38 CHAIRMAN MIKE: Anymore comments. I'm  
39 going to ask for a motion for Section 11 to see what the  
40 Council wants to do.

41  
42 MR. UMPHENOUR: I move that we delete the  
43 sale of eggs in Paragraph 11.

44  
45 CHAIRMAN MIKE: There's a motion on the  
46 floor to delete sale of eggs in Paragraph 11.

47  
48 MR. WILDE: Second.

49  
50 CHAIRMAN MIKE: Second.



00156

1 MR. UMPHENOUR: I'll speak to my motion  
2 real quickly, I've said enough, I think. The reason for  
3 doing that is there has been extensive abuse of the sale  
4 of salmon eggs in the past, there's no reason to think it  
5 wouldn't happen in the future if people are allowed to  
6 sell salmon eggs. We had one sample that Mr. Andersen  
7 gave us of a couple of villages that he could remember  
8 that the subsistence harvest, when it was made legal to  
9 sell subsistence eggs increased by 70 percent. With our  
10 salmon stocks in the current situation that they are, if  
11 we increase the subsistence harvest by 70 percent it's  
12 going to be extremely detrimental to our salmon resource  
13 and I don't think they'll be sustainable if we increase  
14 the harvest by 70 percent because the harvest on fall  
15 chums, the average harvest is around 200,000 chum salmon  
16 a year and we only got -- the last couple of years we've  
17 barely been getting 400,000 of them back, period. So I  
18 think it's the reasonable and responsible thing to do, is  
19 delete eggs and not let anyone sell salmon eggs, period.

20

21 CHAIRMAN MIKE: Jay.

22

23 MR. STEVENS: A real quick question, is  
24 there anybody from the Task Force here at all?

25

26 CHAIRMAN MIKE: Did you want to speak on  
27 the Task Force, we currently have a motion on the  
28 floor.....

29

30 MR. STEVENS: Okay.

31

32 CHAIRMAN MIKE: .....on Section 11, eggs,  
33 and it's been seconded? Sue.

34

35 MS. ENTSMINGER: I'd love to move this  
36 thing along rather quickly but I just feel like I don't  
37 have enough information to be -- I'm wondering where  
38 we're supposed to be on it after what I heard from Mr.  
39 Andersen. I mean if this -- if we go through this and  
40 come up with something on 11, 12 and 13, can we then go  
41 back and look at, do we think it should even be -- these  
42 fish stocks that are in trouble, not have this trade on  
43 them.

44

45 CHAIRMAN MIKE: Well, I'm sorry, can you  
46 repeat the question again, please?

47

48 MS. ENTSMINGER: I guess I feel like we  
49 might be going in a direction we might not have to if we  
50 decide, but I don't know -- if we have to come up with

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1 something for 11, 12 and 13, then we can move along but  
2 if we feel like fish stocks that are in trouble should  
3 not be sold, is that something we can take up later or  
4 should we be taking it up as we discuss this?

5

6 CHAIRMAN MIKE: I think I'll defer that  
7 to Mr. Jennings, Mr. Tim Jennings.

8

9 MR. JENNINGS: Mr. Chair. Yes, that's an  
10 appropriate approach. You can choose to go through and  
11 address these paragraphs one at a time. Remember, the  
12 proposed regulation addresses fish. And then you can  
13 come back and you can make further recommendations  
14 regarding specific fish stocks, whether it be fall chum,  
15 summer chum or chinook on the Yukon. That's also  
16 appropriate if that's the direction you want to go.

17

18 MS. ENTSMINGER: I might have missed  
19 something, too, but on these six options that you  
20 actually delineated quite well, the differences in them,  
21 I didn't hear if there was a recommendation from this  
22 Task Force on any one of those or is this -- this is it,  
23 the one that's in front of us?

24

25 MR. JENNINGS: The recommendation of the  
26 Task Force was Option 1. And at that time the Task Force  
27 discussion in November and early December was to cap  
28 sales from rural residents to others at a thousand  
29 dollars as a starting point for discussion. And then the  
30 Task Force emphasized that they wanted to have the  
31 Regional Council and other public from the region to  
32 weigh in on what they believe would be appropriate on a  
33 regional basis.

34

35 The Federal Board chose not to go forward  
36 with that portion of the regulation because it did get a  
37 lot of concerns expressed at the Board meeting in  
38 December. So the Board language that went forward was  
39 the same as the Task Force for Paragraphs 11 and 13,  
40 differed on Paragraph 12. Left the status quo on  
41 Paragraph 12. Was allowable unless significant  
42 commercial enterprise -- the Board wanted to hear  
43 additional input from the Regional Councils and the  
44 public at this meeting and during the comment period.  
45 And there was a lot of concern expressed that if the  
46 Board went forward with a proposed regulation, that that  
47 would somehow build momentum for that option, for the  
48 thousand dollar cap, and so the Board didn't want to go  
49 down that road and have the perception of building  
50 momentum for that and said, okay, we'll maintain status

00158

1 quo in the proposed regs, we want to hear from the  
2 regions in terms of what's appropriate in terms of sales  
3 or cash exchange to others.

4

5 Does that address your question, Ms.  
6 Entsminger?

7

8 MS. ENTSMINGER: Uh-huh. And I have a  
9 thousand others. Do you just want to keep going down  
10 this then?

11

12 CHAIRMAN MIKE: Well, we currently have a  
13 motion on the floor to delete the word eggs in Section 11  
14 and it was seconded by -- who seconded that?

15

16 MR. WILDE: I seconded it. Why would we  
17 just want it in 11, why couldn't we do it in 12 or 13,  
18 too?

19

20 MR. UMPHENOUR: We can only do one  
21 paragraph at time, that's just why we're doing 11 right  
22 now.

23

24 MR. WILDE: I'm just trying to move  
25 along.

26

27 MS. ENTSMINGER: I wish it would.

28

29 MR. UMPHENOUR: I could amend my motion  
30 to include eggs in all three paragraphs, that maybe would  
31 be appropriate and that might save time.

32

33 MS. WAGGONER: (Shakes head negatively)

34

35 CHAIRMAN MIKE: Tricia didn't agree.

36

37 MR. JENNINGS: Mr. Chair, it's already  
38 prohibited in 13, so it's only Paragraph 11 and 12. It  
39 might be easiest to just deal with each paragraph. If  
40 you want to go the approach of dealing with Paragraphs  
41 11, 12 and 13, take them one at a time.

42

43 CHAIRMAN MIKE: Okay, we have a motion  
44 and it was seconded and we're looking for a question. Do  
45 we have anymore deliberation on the motion? Jay.

46

47 MR. STEVENS: I agree with where Virgil  
48 is coming from but who's to say that we're not affecting  
49 that one family who is using those eggs down river who is  
50 adhering to the regulations and what not. There are a

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1 few people out there who do have morals and who will do  
2 the right thing. That could be a big part of their whole  
3 income. So, although, I have to agree with Virgil's  
4 concerns there, I'm still having a hard time deleting  
5 eggs.

6

7

CHAIRMAN MIKE: Tricia.

8

9

MS. WAGGONER: I agree with Jay. I'm  
10 having a hard time deleting the eggs, only in the aspect  
11 of what's in the region of this Council. And I just feel  
12 that maybe we should look at applying this to our region  
13 because I know that there is a customary -- there's some  
14 minor amount of customary trade within the Yukon Flats,  
15 it would be, in some ways, a wasted resource if you  
16 deleted eggs from Paragraph 11 and I'd like to see,  
17 maybe, some way of keeping, you know, the mainstem Yukon  
18 within the boundaries of the Yukon Flats Wildlife Refuge,  
19 to keep it in there and delete it for the Tanana or  
20 something like that. I mean I know it's getting nitpicky  
21 and, you know, bringing it down and making law  
22 enforcement even harder but I don't want to in one fell  
23 swoop deny a household an income or deny another rural  
24 resident the opportunity to have eggs that wants eggs  
25 that's willing to purchase them from another resident. I  
26 mean we, by deleting the eggs, you know, you're injuring --  
27 you could potentially injure, not only the subsistence  
28 fisher but also the resource user that would be  
29 purchasing it as a rural resident. I wasn't talking  
30 barter.

31

32

MR. UMPHENOUR: One final thing, if  
33 people are selling eggs right now, they're violating the  
34 State law, if they're doing it in Federal waters, they're  
35 not. It doesn't prohibit barter. If people want to make  
36 caviar and eat it, that's fine with me. If they want to  
37 scramble up their salmon eggs and eat them, I know people  
38 that do that, that's fine with me. If they're personally  
39 using them or trading them in barter, that's fine. But  
40 for people that are out there just catching fish and  
41 selling the roe, it's like Mr. Andersen awhile ago, who  
42 was on this committee that massaged this thing in  
43 numerous meetings to come up with what we're looking at  
44 right now, how many fish can a family eat? They can only  
45 eat so many fish. When they start catching more fish  
46 than they can eat so that they can sell the roe and we  
47 have our fish stocks in the situation that they're in now  
48 and then we have people in the upper end of the river  
49 that subsistence fisheries have been totally closed in  
50 recent years so that they were not allowed to go catch

00160

1 one salmon to feed to their children, I think that's  
2 morally wrong. And so I feel extremely strong about  
3 deleting eggs from this because all it does is lead to  
4 abuse and there's always the two percent, or whatever it  
5 is, and those guys that sometimes end up in jail and  
6 there's some of them down the river, there's some of them  
7 in every town in every community in the country and those  
8 people no matter what you do, are going to violate the  
9 law. So we need to make the law or the regulations so  
10 that they're enforceable so that the people that the laws  
11 are intended to protect will be protected from the people  
12 -- and the enforcement people will be able to go make a  
13 case on these people and stop them from doing what  
14 they're doing. Because we darn sure don't want our  
15 salmon resources on the Yukon River to get in the  
16 situation called endangered species and part of our  
17 stocks are approaching -- are getting dangerously close  
18 to that category right now.

19

20 CHAIRMAN MIKE: Jim.

21

22 MR. WILDE: I can understand Allen's  
23 point but I think it's at a point where you have to stop  
24 somewhere and have a compromise and the end result is the  
25 eggs are causing a big slosh of fish that we know of  
26 upriver and it's a compromise -- if we can stop that,  
27 maybe we're helping something there, I don't know.

28

29 CHAIRMAN MIKE: Sue.

30

31 MS. ENTSMINGER: I just want it  
32 clarified, the motion on the floor is for all Alaska  
33 except Southeast?

34

35 MR. UMPHENOUR: That's correct. If  
36 someone wants to just make it for the Yukon, you can do  
37 that, but I think that we should send the message to the  
38 Federal Subsistence Board that we think it's absolutely  
39 totally irresponsible for people to go subsistence  
40 fishing with the primary purpose of selling the eggs from  
41 the fish. I think we need to send that message to the  
42 Federal Subsistence Board. That's what I would like to  
43 do, if someone wants to amend it, say just for the Yukon  
44 River, you know, you can outvote me and I'll accept it.

45

46 MS. ENTSMINGER: I just wanted to -- just  
47 so I know how I wanted to work on this one, what's your  
48 feelings on what Mr. Andersen brought up about stocks in  
49 concern, not even -- not being sold for any cash?

50

00161

1 MR. UMPHENOUR: We have to look at that  
2 question fish stock by fish stock. We can't just make a  
3 blanket one on that. And I agree with that because we  
4 have stocks of concern in the Yukon that probably --  
5 well, that have been totally closed to all exploitation  
6 in the last few years for periods of time once the  
7 Department figured out there wasn't any fish to catch.

8  
9 MS. ENTSMINGER: Are you ready to vote,  
10 Jay?

11  
12 CHAIRMAN MIKE: Jay.

13  
14 MR. STEVENS: Okay, as I understand, I've  
15 been sitting here trying to iron this out, if we delete  
16 eggs from this paragraph, that is going to prohibit the  
17 sale of those eggs for cash value but you can still  
18 barter the eggs, correct?

19  
20 MS. ENTSMINGER: Uh-huh.

21  
22 MR. STEVENS: I can deal with that.

23  
24 MS. ENTSMINGER: Call for the question.

25  
26 CHAIRMAN MIKE: The question's been  
27 called for. It was moved to delete the word, eggs, on  
28 Section 11. All those in favor of deleting eggs in  
29 Section 11 signify by saying aye.

30  
31 IN UNISON: Aye.

32  
33 CHAIRMAN MIKE: Those opposed same sign.

34  
35 (No opposing votes)

36  
37 CHAIRMAN MIKE: The motion passes to  
38 delete the word, eggs, in Section 11. We'll move on to  
39 Section 12.

40  
41 MR. UMPHENOUR: Mr. Chair, could I ask  
42 for a short break, please?

43  
44 CHAIRMAN MIKE: I'm sorry, we'll have a  
45 short 10 minute recess and then we'll get into Section 12  
46 after the recess.

47  
48 (Off record)

49  
50 (On record)

00162

1 CHAIRMAN MIKE: I'm calling the meeting  
2 back to order. I just got word from our Council members,  
3 he wants to get a stock, status and trend report from the  
4 agencies. Fish and Wildlife Service and Department of  
5 Fish and Game, they'll give us a stock, status and trend  
6 report prior to our deliberation on Section 12 of the  
7 customary trade regulation. So who's going to be  
8 speaking first, Russ Holder, Russ Bue -- go ahead.

9  
10 MR. HOLDER: Good afternoon, Council  
11 members. My name is Russ Holder, I'm with U.S. Fish and  
12 Wildlife Service in Fairbanks working on Yukon River in-  
13 season subsistence salmon management. Management staff  
14 of both Fish and Wildlife Service and ADF&G have worked  
15 cooperatively to develop the draft information sheet  
16 entitled, Yukon River Salmon Fisheries which you have in  
17 front of you.

18  
19 A similar handout was produced last year  
20 which was printed on yellow paper and based on the  
21 positive public feedback, which we received, we were  
22 using this format again this year.

23  
24 We wanted you to have information  
25 regarding what last season looked like and what the  
26 outlook for this upcoming fishing season is appearing.  
27 My comments are primarily to set the stage for my State  
28 counterpart, Fred Bue, to review this handout with you  
29 page by page. But before going into the handout, I'd  
30 like to make a few introductory comments.

31  
32 The outlook for 2001 was for a below  
33 average to poor salmon return for chinook, summer chum  
34 and fall chum salmon and what happened? Basically the  
35 chinook salmon returned slightly better than expected but  
36 the overall return was still below average. The returns  
37 of both summer chum and fall chum salmon returns were  
38 poor. No commercial fishing occurred for any salmon in  
39 the Yukon River on the Alaska side in 2001 and chinook  
40 salmon escapement was encouraging but both summer chum  
41 and fall chum salmon escapements were disappointing.  
42 Subsistence harvest of chinook salmon exceeded the recent  
43 10-year average while both summer chum and fall chum  
44 salmon subsistence harvests were more than 80 percent  
45 below the 10-year averages.

46  
47 Last year one of the more controversial  
48 actions was for the Federal Subsistence Board to adopt  
49 the special action which closed the chinook and summer  
50 chum subsistence salmon fishery on all Federal waters in

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1 the Yukon River Drainage for 60 days to all users except  
2 Federally-qualified subsistence users. This action was  
3 taken in large part due to the assessment that the salmon  
4 returns in 2001 would not be sufficient to meet  
5 escapement goals and subsistence harvest.

6  
7 The good news is that we anticipate the  
8 2002 chinook salmon returns to be similar to the 2001  
9 return which means it should meet both escapement and  
10 subsistence needs with a possible small commercial  
11 fishery if the surplus can be identified. The bad news  
12 is that the 2002 summer chum and fall chum runs are also  
13 expected to be similar to the 2001 returns, which means  
14 the escapement and subsistence needs would not be met  
15 throughout the drainage.

16  
17 Given the uncertainties associated with  
18 salmon productivity and the declining production  
19 experience since 1998, salmon managers will be  
20 conservative.

21  
22 Anticipating one of your first questions,  
23 that being, what is the subsistence fishing time this  
24 year? The window'd regulatory subsistence fishing  
25 schedule which was in effect last year will be in effect  
26 this year. If the schedule needs to be reduced to  
27 improve escapements, news releases will be announced and  
28 published to any changes which are made to the schedule.  
29 We would like Council members input regarding the days of  
30 the week or the start and stop time which would work  
31 better for their local communities if a reduced schedule  
32 needs to be implemented.

33  
34 As a manager, I am hoping to provide the  
35 Coordinating Fishery Committee members more input into  
36 the management decisions this year. As the first step, I  
37 am requesting Committee members considering meeting one  
38 day following the YRDFA annual meeting and the date for  
39 that would be March 28th, which would just be after the  
40 YRDFA annual meeting. This would be an opportunity for  
41 the Committee members to develop consensus points of view  
42 to present to the Federal Subsistence Board on fisheries  
43 issues.

44  
45 A third item which the Council should be  
46 aware of is that the U.S. Fish and Wildlife Service and  
47 ADF&G are attempting to initiate an in-season subsistence  
48 monitoring program this year in the potential villages of  
49 Emmonak, St. Mary's and Galena. The project would focus  
50 on the quality of the harvest rather than the numbers of



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1 fish being harvested and would be patterned after the  
2 Kuskokwim in-season monitoring project which started last  
3 year.

4  
5 And I turn the mike over to Fred Bue to  
6 continue with a review of last season and the outlook for  
7 salmon activities for 2002 and we will both be available  
8 to answer questions following his presentation.

9  
10 MR. BUE: Mr. Chairman, my name is Fred  
11 Bue. I guess I kind of got mixed messages, what did you  
12 want stock status or a season summary outlook or what  
13 were you looking for at this point?

14  
15 CHAIRMAN MIKE: Virgil.

16  
17 MR. UMPHENOUR: What I was looking for --  
18 you guys were on the agenda to give a stock status report  
19 and so that's what I was thinking. Because what we were  
20 doing in deliberations is I was actually giving stock  
21 status and so it's better if it comes from the Staff,  
22 rather than me, I think, because that's basically your  
23 job, so give your report, you know, the rest of what Russ  
24 just gave. And I think you should emphasize, and maybe  
25 you hadn't plan to do this, but emphasize the stocks of  
26 concern as identified by the Board of Fisheries and the  
27 sustainable fisheries policy and what type of stock  
28 concern they are, whether they're yield or management  
29 concerns and, also, maybe touch on the action plans that  
30 were developed to address these stocks of concerns so  
31 that stocks can be rehabilitated.

32  
33 MR. BUE: Okay, Mr. Chairman, I'll try  
34 and hit on those. What I passed out just a few minutes  
35 ago is this page here, it's a draft. As Russ had  
36 mentioned, I didn't pass it out to the crowd because  
37 we're trying to keep the numbers limited. It's still a  
38 draft and we're probably going to have some changes in it  
39 and I didn't want mixed information out to the public at  
40 this point. But to aide in facilitating and so that you  
41 can follow along with the discussion -- you know, this  
42 page that we handed out to over -- what was it, 1,200  
43 households last spring and widely distributed up and down  
44 the river.

45  
46 It's an informational sheet. It gives a  
47 brief summary on the front page of outlook harvest  
48 management, what we can expect and then we'll go on  
49 several pages and review the 2001 season and give some  
50 back up information.

00165

1                   So beginning at the top of the page, the  
2 State and Federal fishery managers will be coordinating  
3 management again in 2002 on the Yukon River subsistence  
4 fishery. And this information sheet reviews the 2001  
5 season, describes our anticipated 2002 season. Beginning  
6 with the outlook, we're going to start there and work  
7 back. Poor to below average runs are projected for 2001,  
8 particularly for chum salmon, summer and fall -- 2002.  
9 The trend of poor salmon production, this continues the  
10 trend of poor salmon production since 1998 and it's  
11 anticipated it will continue into 2002. The 2002 chinook  
12 salmon run is anticipated to be similar to 2001.

13

14                   Although the chum salmon runs are  
15 difficult to project preseason, the 2002 summer and fall  
16 chum salmon runs are expected to be poor to below  
17 average. As far as our harvest outlook and given the  
18 uncertainties associated with the declines in  
19 productivity since that 1998 season, salmon fisheries  
20 will be managed conservatively. It's anticipated that  
21 enough chinook salmon will be available to meet  
22 escapement goals and subsistence harvest. There's a  
23 small possibility of commercial chinook salmon harvest.  
24 And subsistence harvest for summer and fall chum salmon  
25 is certainly going to be less than normal or may be less  
26 than normal at this point, based on the current trends.

27

28                   So the management strategies for the  
29 coming season, we'll manage for escapement and to spread  
30 out subsistence harvest opportunity along the entire  
31 Yukon River, and that was based on the Alaska Board of  
32 Fisheries efforts last year and we first implemented them  
33 in 2001 and we'll continue that. That's to continue the  
34 regulatory fishing schedule, in particular, where we  
35 created windows of opportunity to move fish upriver in  
36 hopes to, not only get fish upriver but improve the  
37 quality of the run. More of the larger fish.

38

39                   And with sportfish here, a preseason  
40 emergency order will reduce the daily harvest limit from  
41 the sportfishery to one chinook or one chum salmon in the  
42 Yukon River Drainage. And based on the evaluation of in-  
43 season indicators of run strength, if necessary, well  
44 reduce subsistence salmon fishing schedule sometime after  
45 the quarter point of each salmon run. In the past it had  
46 been we started with an open fishery and restricted it  
47 down as we demonstrated a problem. The conservative  
48 management approach will be to start with the schedule  
49 rather than seven day a week fishing in the ocean and  
50 from that point we'll determine the run strength and --

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1 and reduce if necessary. We'll close all other uses  
2 unless an escapement goal of a tributary is projected to  
3 be met. Consider Federal rural subsistence priority on  
4 Federal waters if reductions occur.

5  
6 We'll be prepared to allow a small  
7 commercial chinook salmon harvest near the midpoint of  
8 the run or later. And this would only be in the case  
9 where we demonstrate a -- typically we'd demonstrate a 10  
10 to 14-day build up of chinook salmon, not just a single  
11 strong pulse, but we'd demonstrate that, yes, in fact,  
12 the run is building and it's fairly substantial.

13  
14 Present run assessment information and  
15 discuss management strategies during the weekly YRDFA-  
16 sponsored teleconferences throughout the season is an  
17 important part of our management, getting feedback on  
18 what others are experiencing throughout the river  
19 drainage.

20  
21 You asked for a little bit of the stock  
22 status or -- looking at the 2001 season, although, the  
23 chinook salmon run was below average it was better than  
24 expected. However, the 2001 river chum salmon runs were  
25 poor just as we anticipated. Those three boxes at the  
26 top of the page gives you a feeling for just how bad the  
27 run was last year. For chinook salmon there was no  
28 commercial fishery. And subsistence harvest was up about  
29 12 percent over the 10-year average however, the total  
30 harvest was still 60 percent below -- or was 60 percent  
31 below the 10-year average. Both summer and fall chum  
32 salmon, there's no commercial fishery. The summer chum  
33 salmon, subsistence harvest was 40 percent below the  
34 recent 10-year average. The fall subsistence harvest was  
35 68 percent below the 10-year average. And so they were  
36 both better than 80 percent below the 10-year average for  
37 total harvest for the summer and fall chum salmon which  
38 is very poor.

39  
40 The next two charts for the chinook  
41 salmon, the middle two charts there go through and show  
42 the chinook salmon harvest or escapement in different  
43 tributaries in the Yukon River. The point is we are  
44 making escapement. We talked about harvest being down  
45 but we're still making escapement in most of the areas  
46 for chinook salmon. The middle box on the right, we are  
47 making escapements. We're -- we did a little better in  
48 the Yukon this last year for chinook, but the total  
49 harvest, it shows again that it is still half of normal.  
50

00167

1                   The trend for summer and fall chum  
2 salmon, the lower two graphs for the last five years  
3 depicts a drastic downward trend. 2000/2001 were very  
4 poor. So essentially the 2001 chinook run was twice the  
5 size of the 2000 run but still well below average based  
6 on harvest data and escapement estimates.

7  
8                   The preliminary estimated total run of  
9 Canadian origin chinook salmon in 2001 was about 80,000  
10 fish and this is 40 percent below the 10-year average of  
11 124,000 total Canadian chinook salmon. And that was  
12 another -- another aspect that, as managers we're  
13 concerned with, of getting fish to Canada because we have  
14 other treaty obligations and it's not just the Yukon  
15 Alaska portion of the drainage that we're worried about.

16  
17                   The next page, the 2002 outlook, then we  
18 can see the -- as far as chinook salmon, there may be a  
19 possible small commercial fishery if we can detect if  
20 it's within -- what we can detect and manage, if it is  
21 like 2001 it will be real close but if it's slightly a  
22 little more and the timing is different we may be able to  
23 pick it out and be able to harvest it. However, the  
24 trend of poor production since '98 is anticipated to  
25 continue in 2002. We anticipate enough fish available to  
26 provide for the subsistence harvest of chinook salmon.

27  
28                   Both summer and fall chum salmon, again,  
29 there's no commercial fishing expected. The continued  
30 poor production -- and the recent return per spawner is  
31 falling well below one as Mr. Umphenour stated earlier.  
32 And in the case of fall chum salmon, the average is more  
33 like 2.5. In both cases we're expecting that subsistence  
34 harvest may need to be reduced and we're prepared to do  
35 that.

36  
37                   What isn't listed here is coho salmon,  
38 we're also managing for that. Coho salmon is another  
39 component, it does come in later, it overlaps somewhat  
40 with the fall season but we expect the coho run to be  
41 near average. However, due to conservation concern for  
42 fall chum salmon, we may need to restrict the harvest of  
43 coho salmon, we typically do. And we may need to -- we'd  
44 restrict it through either time or gear restrictions.

45  
46                   I'll just skip to the next page. The  
47 subsistence fishing schedule is a big process that Alaska  
48 Board of Fish adopted as the subsistence fishing schedule  
49 from 2001, to increase the quality of escapement, spread  
50 the harvest throughout the run, to reduce the impact on

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1 any particular component of the run and spread  
2 subsistence harvest opportunity among users. The  
3 schedule is based on a current and past fishing schedules  
4 and should provide reasonable opportunity for subsistence  
5 users to meet their needs during years of normal to below  
6 average runs. The goal of the schedule is to provide  
7 windows of time during which time salmon migrate upriver  
8 unexploited.

9  
10 All subsistence salmon fishing with  
11 gillnets or fishwheels must be stopped during subsistence  
12 fishing closures. Again, the 2002 chinook run is  
13 anticipated to be similar to last year. The summer and  
14 fall chum salmon runs will be managed using the  
15 regulatory management plans. If it is determined that  
16 runs are insufficient to provide escapement then  
17 subsistence fishing time may be reduced from the  
18 regulatory subsistence salmon fishing schedule and/or  
19 gear restrictions may be implemented. Subsistence salmon  
20 fishing opportunity on Federal waters may be further  
21 restricted to only Federally-qualified users, which means  
22 residents of the Yukon River Drainage, including the  
23 community of Stebbins. This restriction would be  
24 rescinded when the salmon run size is determined to be  
25 sufficient to provide escapement and subsistence needs.  
26 Again, Fairbanks is non-rural and is not included in  
27 those.

28  
29 Also at the 2001 Board meeting, the  
30 summer chum salmon plan is new. In the past many of you  
31 may be familiar with the fall chum salmon plan and  
32 essentially what it directs is, is to take certain  
33 actions when the stock size is believed to be at certain  
34 levels, primarily based on Pilot Station chum passage  
35 estimates. And so you can see we show the summer chum  
36 management plan two different ways. At the bottom of  
37 this page we have different levels with arrows pointing  
38 to what we do when there's below 600,000 summer chum,  
39 there'll be no directed chum salmon fishing by any user  
40 and so on. And only when we get over a million fish is  
41 when we'll have open to all users. And then there's  
42 various restrictions in between those levels.

43  
44 Also the next page, we have the fall chum  
45 salmon management plan. The difference -- essentially  
46 the summer chum management plan was based on the same  
47 concept but where the fall management plan goes further  
48 and tries to take advantage of stronger runs by putting  
49 more fish on the spawning grounds, then on poor years  
50 when even a few fish is important to subsistence

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1 harvesters, and so -- so we may have escapement level  
2 thresholds where we may make closures or restrictions.  
3 But we're allowing are target escapement goal to drop at  
4 lower levels in order to provide some subsistence  
5 opportunity when we are getting towards the closure  
6 level.

7

8 As far as action plans, I'm not sure what  
9 you were thinking of along those lines, Mr. Umphenour.

10

11 CHAIRMAN MIKE: Virgil.

12

13 MR. UMPHENOUR: Thank you. Basically  
14 what I wanted to point out was that the Board of  
15 Fisheries adopted a sustainable fisheries policy a couple  
16 of years ago and one of the things we do is when the  
17 Department sees that we're having conservation problems  
18 to stock of salmon then the Department brings information  
19 to the Board, brings this to their attention and gives  
20 them various alternatives as to what can be done, the  
21 Board has to make a determination as whether they,  
22 indeed, are a stock of concern and there's several  
23 different types of stock of concern. The first one is a  
24 yield concern, which means that for a life cycle of the  
25 fish, which is normally four years, that the harvest has  
26 been restricted for a life cycle of the fish over what  
27 was the normal historical harvest by the various users.

28

29 The next one would be a management  
30 concern and that's what we have in this instance, well,  
31 we have a yield concern and a management concern, both,  
32 because we haven't been fishing -- well, some of the fish  
33 for four years for the commercial fishery or the personal  
34 use fishery, only the subsistence fisheries have fished  
35 and the subsistence fisheries have been restricted as  
36 well, and even with all these restrictions and all these  
37 management actions which resulted in restrictions, we  
38 still did not get the minimum escapement objectives met  
39 on a number of these stocks. That's a management  
40 concern. And those are the two kinds of concerns that we  
41 have on the Yukon River and the Board of Fisheries did  
42 declare the entire Yukon summer run a management concern  
43 and they declared the fall run a yield concern, although  
44 portions of the stocks -- because we have different  
45 stocks in the fall run, are horrible management concerns.  
46 And then the chinook salmon fits in the same category,  
47 the Canadian stocks are in -- up until this last year  
48 have been in horrible shape and then there's one  
49 extenuating circumstance that, I don't know if the other  
50 Council members have been briefed on this or not, but

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1 that is, that the chinook salmon have a disease called  
2 ichophonus. And approximately 30 percent of the salmon,  
3 when they enter the Yukon River have ichophonus and it  
4 seems as if the female king salmon have it more than the  
5 males do. And what this does is it attacks the heart and  
6 the liver and the kidney of the fish first, that's where  
7 it first shows up and then after it starts to show itself  
8 as a disease instead of just an infection, you know,  
9 that's not -- that doesn't exhibit any physical  
10 characteristics, they tell by culturing tissues of the  
11 fish, whether it's infected or not, once it turns into a  
12 disease then they get large -- in the flesh, the fish  
13 will get large pockets of pussy looking substance and  
14 they'll be about the size of a pea and then these fish  
15 eventually die.

16

17                   And so what they've done is they've been  
18 doing these samplings starting at the mouth of the river  
19 and they've done them up the river, they do them --  
20 they've done them extensively at Tanana in the rapids and  
21 then they've done them just below where the Tanana runs  
22 into the Yukon. They've done them at Central -- or not  
23 Central, Circle -- they've sampled at Circle and they've  
24 sampled at Whitehorse, they've sampled at the mouth of  
25 the -- just below the mouth of the Chena River and  
26 actually on the spawning grounds of the Chena River. You  
27 know, the year before last when they were doing the  
28 sampling at Circle, they caught over 300 -- I think about  
29 370 king salmon and the guy doing the sampling, which was  
30 Dr. Kosan from the University of Washington, out of 370  
31 king salmon he couldn't catch -- and they spent a week  
32 doing this, they could only catch, I think only 13 king  
33 salmon that -- females that weighed over 15 pounds. They  
34 couldn't get the number they wanted for their sample.  
35 And so anyway, what the preliminary conclusions of this  
36 study are is that all the female fish die before they get  
37 to the spawning grounds and approximately 30 to 40  
38 percent of the females have this disease and so that  
39 means the productivity of what you think you're putting  
40 on the spawning grounds, because the last places where  
41 the fish are counted is, you know, way down the river at  
42 the sonar and then you kind of try to figure out how many  
43 fish are caught in the various fisheries as they go up  
44 the river, but then they do the population estimate after  
45 they cross the Canadian border and they say, well, we got  
46 40,000 fish. Well, if they got 40,000 fish across the  
47 border and only about one-fourth of them are females and  
48 three-fourths of them are males and then 30 to 40 percent  
49 of those females are going to die before they ever get to  
50 the spawning grounds, then effectively you don't really

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1 have many productive fish laying eggs in the spawning  
2 grounds.

3

4 And so that's kind of what the basic  
5 conclusions to that are. So in addition to not having  
6 that many fish getting up the river, we've got these  
7 diseased fish so that lowers the productivity by an  
8 undetermined amount. So that's part of the reason why  
9 the productivity's went down. And then there's all kinds  
10 of other ramifications as well.

11

12 But what I was trying to get pointed out  
13 to the other members of the Council was that we have  
14 extremely grave conservation problems with these fish  
15 stocks and that the outlook is extremely grim and that  
16 some of these stocks may be in jeopardy such as some of  
17 the ones that I mentioned earlier.

18

19 That's basically all I wanted to do is to  
20 try to -- for everyone to have an understanding of what  
21 the situation is as far as the status of the three major  
22 stocks of salmon in the Yukon River.

23

24 Mr. Chair.

25

26 CHAIRMAN MIKE: Thank you. Any other  
27 questions. If not, we can go ahead and deliberate on  
28 Section 12 and if we can get Section 12 on the screen.  
29 If we could have Fred Bue and Russ Holder available,  
30 while we're deliberating, they can answer some questions.  
31 Council members, one thing I forgot to mention, I finally  
32 got ahold of Gerald Nicholia and his mother fell ill and  
33 was in the hospital and that's why he couldn't make it to  
34 this meeting. And the other agenda item I forgot to  
35 mention earlier is that we tabled the meeting minutes  
36 from last fall meeting so we need to keep that in mind  
37 before we leave today, is to bring that up and approve  
38 it. Just keep that in mind.

39

40 So we can deliberate on Section 12. Tim.

41

42 MR. JENNINGS: Yes, Mr. Chair. There was  
43 an offer by Staff, if the Council was interested, to  
44 participate in a work session, rather than to proceed  
45 through the deliberation of Paragraph 12 and 13. It's at  
46 the discretion and the wishes of the Council. But if the  
47 Council felt like it was to their benefit to table the  
48 rest of the deliberation on customary trade until  
49 tomorrow morning and to have a work session later this  
50 evening with Staff to develop some additional ideas, if



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1 they would like to do that, then we'd bring those ideas  
2 back onto the table tomorrow morning and finish the  
3 discussion.

4

5 So I just wanted to put that in front of  
6 you. That was part of the discussion that we had during  
7 the break. It's up to the discretion of the Council in  
8 terms of how you want to proceed.

9

10 CHAIRMAN MIKE: What are the wishes of  
11 the Council?

12

13 MR. UMPHENOUR: Okay. It doesn't make  
14 much difference to me. I think I probably understand the  
15 issue more than the other Council members because I've  
16 been so involved in it. But if it's helpful to the other  
17 Council members, I think that would probably be a very  
18 good use of our time so that people can understand the  
19 issues a lot better and we have the appropriate Staff  
20 here to help us and I think it would probably be a wise  
21 use of our time to do that.

22

23 CHAIRMAN MIKE: Tricia.

24

25 MS. WAGGONER: I agree. I think we need  
26 to sit down as a Council and discuss this in a work  
27 session atmosphere.

28

29 CHAIRMAN MIKE: And so the Council wishes  
30 to have a work session this evening, we can do it at 6:00  
31 or 7:00.

32

33 MS. WAGGONER: 7:00.

34

35 CHAIRMAN MIKE: 7:00 o'clock, a work  
36 session. And do you want the court recorder present to  
37 discuss all your discussions?

38

39 (Laughter)

40

41 MR. JENNINGS: If we go off the recorder  
42 and do not have the court reporter, we just have to keep  
43 it informal, it's an information exchange, there's no  
44 motions, no decisions are made, information and ideas are  
45 exchanged. Tomorrow we come back on record, then we need  
46 to have whatever is put on the table, the background for  
47 that articulated for the benefit of the public and the  
48 record. The work session should be open to anybody who  
49 would like to attend.

50

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1 CHAIRMAN MIKE: Okay, we'll have a work  
2 session here in this room or in the smaller conference  
3 room?

4  
5 MS. WAGGONER: Here.

6  
7 MS. ENTSMINGER: Here.

8  
9 CHAIRMAN MIKE: Okay, here in this dining  
10 room?

11  
12 MS. WAGGONER: Yes.

13  
14 CHAIRMAN MIKE: Okay, we'll have a work  
15 session in this dining room. If Randy Rogers, if they'd  
16 still like to make their presentation.

17  
18 MR. WILDE: They just walked out.

19  
20 CHAIRMAN MIKE: Oh, they did, okay.

21  
22 MR. UMPHENOUR: Were we going to continue  
23 on with business or are we just going to recess for the  
24 evening? If we're going to recess I don't think we have  
25 to table anything. If we're not going to recess then  
26 before we do anything else then we would have to table  
27 it, I suppose.

28  
29 CHAIRMAN MIKE: We're not going to  
30 recess, we need to address the agenda -- I mean the  
31 minutes from the last meeting and bring that up again on  
32 the table. And we'll need to further review our agenda  
33 items. So if we can have someone bring the meeting  
34 minutes from the last meeting back on the table. The  
35 minutes from the October meeting are in Tab B.

36  
37 MR. WILDE: I make a motion to approve  
38 the minutes as stated here.

39  
40 MR. UMPHENOUR: Second.

41  
42 CHAIRMAN MIKE: There's a motion on the  
43 floor to approve the minutes from October 11th, 2001  
44 meeting in Anchorage and it's been seconded. Tricia.

45  
46 MS. WAGGONER: I think we should, you  
47 know, at least be on record as saying there was only one  
48 member here that was present at that meeting.

49  
50 CHAIRMAN MIKE: Okay. Let the record

00174

1 show that there is only one member here, currently, that  
2 was at the October 11th meeting and that's Mr. Jim Wilde.  
3 The other thing we need to address is the tri-Council  
4 meeting minutes. I think Vince Mathews from our  
5 Fairbanks office sent a copy to every Council member. If  
6 you haven't received it in the mail yet -- Jim, did you  
7 get that, those tri-Council meeting minutes? That was  
8 during our breakout session, that one you got in your  
9 hand or is that the tri-Council meeting minutes?

10

11 MR. WILDE: I have the other one, too,  
12 somewhere. Yep, I got it.

13

14 CHAIRMAN MIKE: I think we need to  
15 approve that minute also -- the tri-Council meeting  
16 minutes. But currently there's a motion to approve the  
17 Eastern Interior breakout session minutes, it's under  
18 Section Tab B. There's a motion on the table and  
19 seconded.

20

21 MS. ENTSMINGER: I call for unanimous  
22 consent.

23

24 CHAIRMAN MIKE: Unanimous consent called  
25 for. Any objections? No objections. Mr. Wilde, there  
26 was a unanimous consent called for for the minutes from  
27 the October meeting, October 11, the Eastern Interior  
28 Regional Advisory Council breakout session under Tab B,  
29 and we still need to approve the tri-Council minutes.

30

31 MR. WILDE: I make a motion to approve  
32 the tri-Council minutes also.

33

34 MR. UMPHENOUR: Second.

35

36 CHAIRMAN MIKE: Motion's been called to  
37 approve the tri-Council meeting minutes and second.

38

39 MR. UMPHENOUR: Request unanimous  
40 consent.

41

42 CHAIRMAN MIKE: Unanimous consent was  
43 requested. Any objections? No objections from the  
44 Council. The minutes of the tri-Council meeting of  
45 Yukon, Eastern, Western Interior has been approved.

46

47 We have some agenda items -- we've got at  
48 least a dozen agenda items that we still need to go  
49 through. Just briefly to review them, we already had the  
50 2001 salmon season summary and the 2002 salmon outlook.

00175

1 Under Item No. 9, Roman Numeral IX, we still have  
2 briefings, streamlining Federal subsistence in-season  
3 special actions. The Yukon River protocol. US/Canada  
4 salmon agreement. The results of the Federal Subsistence  
5 Board meeting .805 letter. The Yukon Flats status and  
6 plan. 2002 Board of Game wildlife proposals. Reviewing  
7 and approval of the resolution requesting that the  
8 National Pacific Fisheries Management Council work with  
9 Alaska villages, tribes and subsistence groups on high  
10 seas salmon by-catch and we got a by-catch report. Call  
11 for fisheries proposals for the 2002/2003 season. I  
12 think we've basically taken care of the Regional Advisory  
13 Council member reports. And maybe if we have any the  
14 Advisory Committee reports, maybe Jim Wilde might want to  
15 state something on that. And we have the 2001 annual  
16 report, review and approval. And we have a few more  
17 agency reports to complete. We've completed the Office  
18 of Subsistence Management briefings. And XII B.,  
19 appointments to the Subsistence Resource Commissions,  
20 we'll discuss that. And if you have any Native  
21 corporations, regional village tribal councils, if they  
22 want to give an update on their -- if they want to give  
23 an agency report. And further agency reports from the  
24 State, Department of Fish and Game, Bureau of Land  
25 Management, Fish and Wildlife Service, the Refuges, the  
26 National Park Service and other agencies and groups. We  
27 need action on the Council charter review and approval.  
28 And go over the correspondence sent and received. And  
29 elections and appointments and other committee  
30 appointments, Coordinating Fisheries and other task  
31 groups. And finally, future meeting plans, time and  
32 place. And we'll be able to address some topics and  
33 issues of concerns. Finally, we'll have Council members  
34 closing comments and concerns.

35

36 So we can start off with the briefing,  
37 streamlining Federal fisheries in-season special actions,  
38 Rod Simmons.

39

40 While Rod's getting up here, is there any  
41 questions on the agenda items from the Council?

42

43 Sue.

44

45 MS. ENTSMINGER: I'd like to remind you  
46 that I might not be here tomorrow the whole day.

47

48 CHAIRMAN MIKE: Okay.

49

50 MR. SIMMONS: Thank you, Mr. Chair,

00176

1 members of the Council. My name is Rod Simmons. I'm with  
2 Fish and Wildlife Service and I serve on the Inter-Agency  
3 Staff Committee primarily on fisheries. I have two, sort  
4 of related topics, since we've been talking a lot today  
5 about Yukon salmon, this sort of fits appropriately.

6  
7           The first topic I wanted to talk about  
8 and this is purely informational, is an update on the  
9 Yukon protocol. The Yukon salmon management protocol  
10 that was presented to the Council at its winter meeting  
11 last year, this protocol was nearly ready for signature  
12 at the time last year but the State legislature became  
13 curious about this protocol as well as other protocols  
14 that were under development and wanted briefings on them.  
15 This process, more or less, put the protocols in sort of  
16 a holding pattern for an extended period of time.

17  
18           Meanwhile, Staff continued to refine  
19 wording to the Yukon salmon protocol. Mainly refining  
20 the wording on the working relationship between the  
21 fishery managers and also the topic of joint news  
22 releases. I want to stress that the steps outlined in  
23 the protocol on communications and coordination with the  
24 Councils and the Coordinating Fisheries Committee members  
25 has not changed since the last briefing before this  
26 Council. The signatories of the State/Federal MOA will  
27 be meeting in April and they are expected to sign this  
28 protocol as a long-term agreement.

29  
30           That concludes my short summary on the  
31 status of the Yukon protocol. I'd be happy to answer any  
32 questions.

33  
34           CHAIRMAN MIKE: Any questions. We've got  
35 Jill Klein, do you want to comment on streamlining, is  
36 that.....

37  
38           MR. SIMMONS: I'll give that presentation  
39 next.

40  
41           CHAIRMAN MIKE: Okay.

42  
43           MR. SIMMONS: I wanted to take that in  
44 two parts.

45  
46           CHAIRMAN MIKE: Okay, thanks.

47  
48           MR. SIMMONS: Okay, hearing no questions  
49 on the status of the Yukon protocol. I'll move on to the  
50 topic of streamlining special actions. Several times

00177

1 today I've heard the Council talk about alignment of  
2 State and Federal regulations and this sort of fits  
3 within that concept. The two years of on the ground  
4 experience in the Yukon and Kuskokwim Rivers has provided  
5 an opportunity for the Federal program to evaluate the  
6 administrative efficiencies associated with issuing  
7 special actions. To remind the Council, special actions  
8 are temporary regulations to open, close, restrict  
9 subsistence uses of fish and wildlife when resource  
10 abundance levels affect harvest opportunities.

11  
12               The Federal special actions are very much  
13 equivalent to the State's emergency order regulations and  
14 have been initiated for each and every adjustment to  
15 subsistence fisheries. As an example, this past season  
16 on the Yukon River, 27 special actions were issued. And  
17 26 of these were the same as the State's emergency  
18 orders. Issuance of each special action has a  
19 considerable amount of administrative paperwork  
20 associated with it, including posting legal notification  
21 in area newspapers and publication in the Federal  
22 Register. Sometimes management actions outpace this  
23 publication process and new regulations become effective  
24 by the time they're printed in the newspapers and this  
25 can obviously lead to a lot of confusion among the public  
26 on what regulations are actually in effect.

27  
28               The Federal Subsistence Board is  
29 considering streamlining the special action process by  
30 limiting them only to situations where Federal actions  
31 differ from State management actions. The Board will  
32 make its decision on this change in May 2002 meeting.  
33 This will be a temporary action that will be in effect on  
34 a trial basis for the Yukon and Kuskokwim Rivers for this  
35 season only to allow an evaluation of this administrative  
36 change.

37  
38               You might ask yourself how this change  
39 might affect communications with subsistence users and  
40 Council members and, I'll refer you to the second page of  
41 the handout as it relates to communications. The top  
42 half of that diagram illustrates the basic communication  
43 steps that include the Council members, primarily the  
44 Coordinating Fisheries Committee members in-season,  
45 interacting with the Federal manager as well as State  
46 manager and the outcome of that management action is  
47 primarily in the form of a joint news release. That is  
48 the communication vehicle that goes to the public, not  
49 Federal special actions. The Federal special action is  
50 sort of a behind the scenes administrative process that

00178

1 has to occur, as I mentioned, through the Federal  
2 Register and so forth. And so what we're looking for is  
3 an administrative streamlining that would eliminate the  
4 requirement for a special action in cases where the State  
5 and Federal managers are in agreement. That would not  
6 preclude, if there is indeed a situation where the  
7 Federal manager and State manager disagree, then we would  
8 enact a special action in only those cases.

9

10 My initial discussions with the Federal  
11 Subsistence Board on this proposal were favorable.  
12 However, because this represents a temporary change in  
13 our regulation, it requires holding a public meeting.  
14 The Board felt that this Council meeting was a logical  
15 opportunity to receive input from the Council as well as  
16 affected user groups or the public.

17

18 That concludes my presentation. I'll be  
19 happy to answer any questions.

20

21 CHAIRMAN MIKE: Tricia.

22

23 MS. WAGGONER: Rod, to-date in the two  
24 years that you guys have had dual management has there  
25 been disagreements between State and Fed on the Yukon  
26 River?

27

28 MR. SIMMONS: The only instance where a  
29 separate special action occurred was implementation of  
30 the fall season and that was to restrict subsistence use  
31 to Federally-qualified users only. That was more or less  
32 a follow-up from what the Board enacted at the beginning  
33 of the season. Special actions only have a 60-day  
34 limitation on them. And since that first 60-day action  
35 was related to chinook and summer chum salmon, the  
36 Federal manager then instituted the fall chum  
37 restriction. But that was the only instance this past  
38 year where there was any difference and again, I'll  
39 emphasize that there were 27 EO's or special actions and  
40 only one differed.

41

42 MS. WAGGONER: Thank you.

43

44 CHAIRMAN MIKE: Any questions.  
45 Questions. We got agency comment from Jill Klein, YRDFA,  
46 on the streamlining. If there's any other public  
47 comments or other agency comments, you can fill out a  
48 blue card for the record. Jill. Hold on, Jill. Rod, are  
49 you looking for some recommendation from the Council on  
50 the streamlining process?

00179

1 MR. SIMMONS: The way I understand it,  
2 Mr. Chair, is this is a non-action item, it's primarily  
3 informational but the Board would like to hear Council  
4 comments. It does not require a Council action but the  
5 Board is certainly interested in hearing from the Council  
6 as any other affected public.

7  
8 CHAIRMAN MIKE: Thank you. Jill.

9  
10 MS. KLEIN: My name is Jill Klein with  
11 Yukon River Drainage Fisheries Association. And I just  
12 wanted to state that YRDFA supports the process of  
13 aligning Federal and State regulations when possible and  
14 supports this effort to streamline the in-season special  
15 actions. It's positive for preventing excess work by the  
16 Federal managers and administrators as well as it's good  
17 for the users as they will continue to receive  
18 information in a smooth and timely manner.

19  
20 Thank you.

21  
22 CHAIRMAN MIKE: Thank you, Jill. Do we  
23 have any other agencies or public comments? Dan.

24  
25 MR. BERGSTROM: Dan Bergstrom. I just  
26 wanted to say we were in support of this. It appears to  
27 be a good way of coordinating more closely with State and  
28 Federal on management actions in-season. Those 26  
29 similar ones or they were basically the same, all the  
30 actions we took basically jointly in-season but had to do  
31 these separate things. And it seems like there's just a  
32 lot better coordination and from our side it would seem  
33 to be -- it would really help avoiding public confusion  
34 which sometimes could happen with those late legal  
35 notices that came out that they had to do with a special  
36 action.

37  
38 Thank you.

39  
40 CHAIRMAN MIKE: Any other agency comments  
41 or public. Does the Council wish to address the  
42 streamlining or move on? Sue.

43  
44 MS. ENTSMINGER: If the Federal Board  
45 wants direction, I would say that that's a great  
46 direction to go is to be streamlining. Please accept it  
47 from this Council.

48  
49 CHAIRMAN MIKE: Tricia.

50



00180

1 MS. WAGGONER: Yeah, I wholeheartedly  
2 agree. I think that any time you guys can work together,  
3 come out with one, you know, news release, order it's  
4 much less confusing. I know reading through the Federal  
5 Register and I'm seeing six months down the road that the  
6 Yukon was closed to subsistence fishing, it was a little  
7 confusing. So, yeah, it's great and keep moving forward  
8 with it and, you know, using the Yukon and the Kuskokwim  
9 as test cases is a good idea.

10

11 CHAIRMAN MIKE: If there's no other  
12 comments we can move onto the next item. I think -- was  
13 there any action items on the presentation by Fred Bue  
14 and Russ Holder on the 2002 salmon outlook and preseason  
15 management plan? Russ.

16

17 MR. HOLDER: Yes.

18

19 CHAIRMAN MIKE: Is there something on the  
20 2002 management plan that the Council needs to act on?

21

22 MR. HOLDER: No. I provided my  
23 presentation and I don't have anything else.

24

25 CHAIRMAN MIKE: Mr. Bue.

26

27 MR. BUE: No, that was it at this time.

28

29 CHAIRMAN MIKE: Thank you. From there,  
30 we can get onto the next item, it's the US/Canada salmon  
31 agreement and that would be Mr. Fred Bue.

32

33 MR. BUE: Mr. Chairman, are you ready for  
34 me to go ahead?

35

36 CHAIRMAN MIKE: Yes, go ahead.

37

38 MR. BUE: My understanding is that this  
39 committee wanted an update on the US/Canada.....

40

41 CHAIRMAN MIKE: State your name.

42

43 MR. BUE: My name is Fred Bue, again,  
44 with the Commercial Fisheries Division of Fish and Game.

45

46 Since this committee is essentially all  
47 new members I can provide a little bit more background  
48 than I first thought. After 16 years of work the US and  
49 Canadian delegations to the US/Canada Yukon River Salmon  
50 Negotiations reached an agreement March 2001 in

00181

1 Whitehorse. Mr. Umphenour is also on that committee.

2

3                   The agreement outlines harvest sharing  
4 arrangements and rebuilding plans for the Canadian origin  
5 chinook and fall chum salmon and restoration,  
6 conservation and enhancement programs for shared salmon  
7 stocks. The positive aspects of the interim agreement in  
8 1995, the US, Canada Yukon River panel shall make  
9 recommendations to the Alaska Department of Fish and Game  
10 and the Department of Fisheries and Oceans in Canada  
11 regarding conservation and coordination, coordinating  
12 management Canadian origin salmon. The restoration and  
13 enhancement fund managed by the panel will continue to  
14 fund projects that restore and conserve wild stocks and  
15 provide support for enhancement when and where  
16 appropriate. The bilateral R and E fund was increased  
17 from 400,000 to 1.2 million. An Alaska R and E fund of  
18 600,000 has also been added to the agreement  
19 implementation.

20

21                   Similar to the interim agreement, both  
22 countries recognize the primary importance of subsistence  
23 fisheries in Alaska and the aboriginal fisheries in  
24 Canada and the principle goal to rebuild and conserve  
25 stocks and provide benefits to the fisheries of both  
26 countries on the Yukon, which means the maintenance in  
27 both countries of viable fisheries on the Yukon River.

28

29                   Given the acknowledgement of continuing  
30 traditional fisheries the new and most difficult  
31 provision of the March 2001 agreement addressed harvest  
32 shares of Canadian origins chinook and fall chum salmon.  
33 The harvest share arrangement did result in reduced  
34 allocations to Alaska. Scale pattern analysis provide  
35 stock composition estimates in the harvest. For chinook  
36 salmon estimated average contribution of Canadian stocks  
37 to the Alaska harvest is 82 percent since 1982. For fall  
38 chum salmon the estimated contribution of Canadian stocks  
39 to the Alaska harvest is 20 to 30 percent. Under the new  
40 agreement Alaska will harvest approximately 74 to 84  
41 percent of the harvest, both Canadian origin and chinook  
42 salmon stocks depending on the size of the run. And  
43 that's an average reduction of about five percent. 65 to  
44 71 percent of the Canadian origin fall chum salmon  
45 stocks, again, depending on the size of the run, and  
46 that's an average reduction of 10 percent.

47

48                   The expectation is that with increased  
49 runs resulting from conservation, restoration and  
50 enhancement programs, support by the R and E fund, both

00182

1 countries will enjoy higher harvests and opportunity  
2 levels in the future.

3

4               The spawning escapement objective in the  
5 agreement for rebuilding salmon stocks shall be 33 to  
6 43,000. The agreed to objective for the 2001 was 18,000  
7 chinook salmon, recognizing the decreased run size, non-  
8 rebuilt stock with stocks of concern determination and  
9 the importance of the subsistence and aboriginal  
10 fisheries. The spawning escapement objective of the  
11 rebuilt chum salmon stock is greater than 80,000 fall  
12 chum salmon in the mainstem and 50 to 120,000 in the  
13 fishing branch, tributary to the Porcupine.

14

15               An update on the agreement, presently the  
16 agreement remains unsigned. However, it will eventually  
17 be signed. The french version is nearly complete at this  
18 time. The big problem lies with the treaty lawyers and  
19 the U.S. State Department. It is unclear to the lawyers  
20 whether the agreement should be pursued as an executive  
21 agreement or a treaty. We've always worked on the  
22 assumption that the agreement between Canada and the U.S.  
23 regarding the Yukon salmon was an agreement and not a  
24 treaty. Stetson Tinkerman and his staff will try to  
25 convince aides to the Senator that this is an agreement  
26 and an annex to the Pacific Salmon Treaty and not a  
27 separate treaty. The difference is that the agreement  
28 needs only a signature of the Secretary of State or his  
29 designee while a treaty needs a full Senate ratification.

30

31               Part of the current problems are due to  
32 the September 11th attack. It's very difficult to contact  
33 people in Washington. Stetson hopes in the next week or  
34 two, he can get the people who are going to make the  
35 decisions together and work it out at that time. Stetson  
36 and his staff needs to discuss the Senator's Staff that  
37 they need not go through a treaty ratification process.  
38 Congress did pass a Yukon Salmon Act, which outlines the  
39 funding for the agreement. It authorizes Congress to  
40 appropriate \$4 million. R and E fund would get 1.2  
41 million. The Alaska R and E fund would get 600,000.  
42 Panel and JTC expenses is 400,000. And research and  
43 management would get 1.8 thousand. Currently the Yukon  
44 Panel is acting informally because there is no agreement  
45 but there is funding to implement the treaty. The  
46 process could be speeded up if a letter was written from  
47 the Governor of Alaska that we would like the agreement  
48 signed as soon as possible. The Senate may respond to  
49 the Governor of Alaska, this could also the funding and  
50 the management research on the river and get the Alaska R

00183

1 and E fund going. We're in the process of seeing that  
2 this is done and that's through Stetson's office.

3

4 More recently, in December, the US/Canada  
5 Yukon River Panel last met and it was the first meeting  
6 since hammering out the long-term agreement in March.  
7 Under terms of the agreement the panel is responsible for  
8 management of the shared stocks and administration of the  
9 restoration and enhancement fund. Projects supported by  
10 the R and E funds are to conserve, restore and enhance  
11 the chinook and fall chum salmon. And so in December,  
12 the Panel reviewed 108 conceptual proposals. This  
13 amounted to approximately 2.2 U.S. Dollars which was  
14 approximately twice the funding available for the 2002  
15 season. A total of 71 of those conceptual proposals were  
16 advanced to invitation for a full proposal. The Panel  
17 will be making its final decision on the R and E  
18 proposals for 2002 during its meeting in Whitehorse next  
19 week.

20

21 The difficult task of managing the shared  
22 stocks will also occur in the March 2002 meeting when we  
23 will receive a preseason outlook as well as a 2001  
24 subsistence harvest information.

25

26 We were able to reduce our chinook border  
27 passage and escapement commitment in 2001, given the  
28 severe subsistence opportunity restrictions made by the  
29 Board. But this coming year it is likely again that it  
30 will be looked at in a rebuild stage and continue on from  
31 there.

32

33 That concludes my update, Mr. Chairman.

34

35 CHAIRMAN MIKE: Any questions from the  
36 Council. Thank you.

37

38 MR. BUE: Thank you.

39

40 CHAIRMAN MIKE: Next thing on the agenda  
41 is the results of the Federal Subsistence Board meeting,  
42 the .805 letter. You would find that under Tab E, Page  
43 1.

44

45 The Board met December 11th through 13th,  
46 Anchorage, Alaska and at the fall meeting, the tri-  
47 Council meeting, the Councils reviewed and made  
48 recommendations on the fisheries proposals and basically  
49 this letter is a letter to the Council from the Federal  
50 Subsistence Board stating what they did on the proposal.

00184

1 There were five proposals that the Board addressed that  
2 affect the Eastern Interior. Five proposals that the  
3 Eastern Interior made recommendations on for the Board  
4 and this is what the Board did as far as their actions.

5

6 You got any questions on any particular  
7 issue?

8

9 (Pause)

10

11 CHAIRMAN MIKE: If not, we can move onto  
12 the next agenda item. Randy Rogers, from the Department  
13 of Fish and Game, he had to leave early so we'll have to  
14 take up his presentation in the morning. We can move on  
15 next to the 2002 wildlife proposals review. During our  
16 work session we had some proposals that the Council would  
17 like to address. Dan LaPlant was going to assist the  
18 Council in reviewing each proposal. Does the Council  
19 want to review the wildlife proposal for the 2002 Board  
20 of Game? Fred.

21

22 MR. BUE: Yeah, Mr. Chairman, I wasn't  
23 clear on the work session for my Staff, what exactly were  
24 we going to do, we have some supporting material for  
25 fisheries. Do you want -- what can we expect for that  
26 before we go on here?

27

28 CHAIRMAN MIKE: The work session at 7:00  
29 o'clock. Virgil.

30

31 MR. UMPHENOUR: Well, we're going to  
32 discuss customary trade and we might need some data from  
33 you guys on that.

34

35 MR. BUE: Fisheries, okay.

36

37 CHAIRMAN MIKE: Okay, we're going to be  
38 addressing the Board of Game 2002 wildlife proposals.  
39 And at the work session, Dan LaPlant from our office,  
40 Office of Subsistence Management highlighted some  
41 proposals that will affect the Eastern Interior. And for  
42 Jim Wilde's benefit, he wasn't there at the work session,  
43 Proposals 13 through 25, 45, 47.

44

45 MS. WAGGONER: He doesn't even have a  
46 copy of it.

47

48 CHAIRMAN MIKE: Hold on. 71 through 75,  
49 78 through 80, 82, 83, 94, 96 and Proposals 107 through  
50 115 and Proposals 121 to 130. Dan.

00185

1                   MR. LaPLANT: Mr. Chairman, members of  
2 the Council. I don't know how much time you want to  
3 spend on this, I know you're pressed for time. I just  
4 want to get you started out by saying the Board of Game  
5 meeting, it's coming up and starts at the end of next  
6 week and they have a lot of proposals. I don't know how  
7 exposed to those that you've been in the past, how much  
8 time you've spent reviewing them. There's at least 174  
9 of these proposals in their book and I believe there  
10 might be some additional ones and, of course, not all of  
11 them affect the Eastern Interior region.

12  
13                   Their deadline for getting comments in,  
14 that would go in their Board book was last Friday so  
15 we're beyond that deadline. But if you do have any  
16 comments, I suggest that you provide some late written  
17 comments or you can send somebody from the Council to  
18 provide some oral testimony at the Board of Game meeting.  
19 I'll be sitting with the Board of Game during their  
20 deliberations on all these proposals and I'll make sure  
21 that they're aware of any comments that you have. So my  
22 role here is to listen to what comments you have and make  
23 sure the Board of Game is aware of them as they  
24 deliberate on those proposals.

25  
26                   Now, I don't know how many of these that  
27 you want to look at but I have about six or eight of them  
28 here that I would suggest that you take a closer look at.  
29 But, again, I know you're pressed for time and you don't  
30 want to -- you certainly don't have enough time to look  
31 at all 170 or whatever.

32  
33                   So I don't know if you have some already  
34 identified that you want to go to right away and express  
35 some opinion on those first or if you -- you know, it's  
36 at your discretion, I'm just here to listen and carry the  
37 message.

38  
39                   CHAIRMAN MIKE: Council members, we can  
40 have Dan get the proposals or if you have any particular  
41 proposal that you want to address right away we can do  
42 that. Sue.

43  
44                   MS. ENTSMINGER: Yeah, how many pressing  
45 ones do you think -- that you recommend we went through,  
46 there was just a few?

47  
48                   MR. LaPLANT: There's about eight of them  
49 here that I'd suggest that you look at and I'd like to  
50 hear your opinion on.

00186

1 MS. ENTSMINGER: Could you give us those  
2 numbers.

3  
4 MR. LaPLANT: Number 16, 17 and 18. 16  
5 and 17 deal with caribou and 18 deals with moose. Those  
6 are proposals that are somewhat similar to the proposals --  
7 the Federal proposals that you just listened to this  
8 morning. 16, 17 and 18. Proposals 71 and 72 deal with  
9 Yukon Flats bear harvest which may be of interest to you.  
10 121 and 122 deal with Denali wolves. Again, this is just  
11 my assumption that you might be interested in these. And  
12 then I've got 151 written down here and I've forgotten  
13 what that issue is but we'll take a look at that one.

14  
15 But again, I'm not here to present these  
16 proposals to you, I don't represent them and I'm not  
17 about to interpret them for you. They're in the Board of  
18 Game book here. And, again, like I said, I'm just hear  
19 to listen to what comments you might have on them. But  
20 I'd suggest that you might start out with maybe No. 16.

21  
22 CHAIRMAN MIKE: Is the Council prepared  
23 to make any comments on the wildlife proposals, we can  
24 start with 16, 17 and 18 as a start. Tricia.

25  
26 MS. WAGGONER: Yeah, Proposal 16, which  
27 is extending the Tier II harvest of the Nelchina Herd  
28 into Unit 12 and into Unit 20(E) goes basically against  
29 what we just supported this morning in protecting the  
30 harvest of Nelchina caribou in Unit 20(E) and even though  
31 it came from the area I'm from. But I mean, I can't say,  
32 you know, personally I could support it when we went  
33 through the whole entire process this morning of ensuring  
34 that on Federal public lands we are protecting the  
35 Nelchina caribou within Unit 12 and 20(E).

36  
37 CHAIRMAN MIKE: Any other concerns --  
38 Dan, can -- these are just going to be recommendations to  
39 the Board of Game from the Regional Advisory Council, do  
40 you need some sort of letter in support of that or just  
41 you'll be taking the Council's recommendation?

42  
43 MR. LaPLANT: Well, the most effective, a  
44 letter would be preferable. A letter that could be  
45 submitted to the Board as an AC and put in the Board book  
46 even as a late set of comments, so it would be most  
47 effective, you know, if you had a motion stating what  
48 your position was on each one of these, you know, either  
49 supporting or objecting to them. That would be the most  
50 effective way to do it.

00187

1 CHAIRMAN MIKE: Rather than making a  
2 motion for each individual wildlife proposal, I'd rather  
3 go through each proposal and make comments and then at  
4 the proposal review, maybe we can have a motion to draft  
5 up a letter to support or opposition to each Board of  
6 Game proposal.

7  
8 MS. ENTSMINGER: Thank you, Mr. Chair.  
9 I'm embarrassed to say that my husband's on this  
10 committee and I don't know what they did. I can't go to  
11 every meeting. But I see Connie Friend's in the audience  
12 and I guess I would, just a brief, you know, did they  
13 adopt these as written, the Advisory Committee and that  
14 would help me anyway. Is that okay?

15  
16 MS. FRIEND: Mr. Chairman, Council member  
17 Sue. Unfortunately.....

18  
19 CHAIRMAN MIKE: Your name.

20  
21 MS. FRIEND: I'm Connie Friend with Tetlin  
22 Wildlife Refuge. And I missed those last two meetings, I  
23 was out of town. But I do have my books upstairs and I  
24 reviewed them and I could get that information to you  
25 later today. But I don't really have it right now.  
26 Sorry.

27  
28 MS. ENTSMINGER: All right.

29  
30 CHAIRMAN MIKE: Do we have anymore  
31 comments on Proposal 16? Dan the next proposal, please.

32  
33 MR. LaPLANT: Okay, give you a little  
34 time to think about that one. Proposal 17 deals with  
35 caribou also in Units 20(E), 25(C) and 20(D) and what  
36 that proposal is is suggesting a winter distribution of  
37 the harvest. The proponent has asked for 50 percent of  
38 the harvest to -- this is the winter harvest now to take  
39 place in 20(E), 35 percent in Unit 25(C) and 15 percent  
40 in Unit 20(D). And so I don't know if that's a concern  
41 here. According to the proposal a significant amount of  
42 the harvest -- or all of the harvest occurred in just one  
43 of these subunits last winter and that was the reasonable  
44 for the proposal.

45  
46 CHAIRMAN MIKE: Do we have any Advisory  
47 Committee members present so they can give a little  
48 background for the Council's benefit? If not -- Tricia.

49  
50 MS. WAGGONER: I know Pete, in discussion



00188

1 earlier today, in talking about the proposal that the  
2 Advisory Council passed regarding the up to 900 number  
3 this morning there was an allocation issue between each  
4 of the subunits. So I just suggest maybe to the Board of  
5 Game that they look at, when it comes to allocating that  
6 these allocation numbers are aligned between the State  
7 and the Feds in regards to the Fortymile Herd in those  
8 three units.

9 CHAIRMAN MIKE: Any other comments. Go  
10 ahead, Dan.

11  
12 MR. LaPLANT: Proposal 18 deals with  
13 moose in Unit 20(E) and this is a proposal by the State  
14 Department of Fish and Game and basically they're  
15 suggesting that -- recommending that the season be  
16 shortened. In some portions of that unit currently have  
17 a season that extends until September 25th and they're  
18 recommending that it closes on September 17th so  
19 shortening the season. And this would make it much  
20 closer to the Federal season. It doesn't make it totally  
21 consistent with the Federal season but it does shorten it  
22 up.

23  
24 Again, I don't want to represent these  
25 proposals at all. There are people from the State here  
26 that could probably speak to these a lot better than I  
27 can.

28  
29 CHAIRMAN MIKE: Sue.

30  
31 MS. ENTSMINGER: I was on the Board of  
32 Game when this LeDuex special use area was made and I  
33 don't believe there's any Federal land in there unless  
34 one of the -- or two of these wild and scenic rivers is  
35 included. Somebody help me out.

36  
37 CHAIRMAN MIKE: Do we have anybody from  
38 the State? Terry.,

39  
40 MR. HAYNES: Mr. Chairman, I couldn't  
41 hear the question very well.

42  
43 MS. ENTSMINGER: I don't know that  
44 there's much Federal land in that LeDuex area, if any?

45  
46 CHAIRMAN MIKE: Terry, we're talking  
47 about Proposal 18, moose in Unit 20(E), shorten the  
48 season.

49  
50 MR. HAYNES: Right. No, in the LeDuex

00189

1 controlled use area there is no Federal land that I'm  
2 aware of within the boundaries of the controlled use  
3 area. Mr. Chairman, the description says it's talking  
4 about northern Unit 20(E) and that's why I'm not -- I  
5 haven't read this proposal closely so I don't know if  
6 northern 20(E) would very likely have Federal land.

7

8 MR. LaPLANT: They're not recommending  
9 any  
10 change in the LeDux controlled use area it's the other  
11 part, the northern part and they're recommending that the  
12 season actually be -- well, it be closed the same time --  
13 the current remainder of 20(E) closes, which would be  
14 September 17th.

15

16 MR. HAYNES: Mr. Chairman, if you look at  
17 on Page 19 of the proposal book, I'm not sure if that's  
18 what you all have, but you'll see section all in capital  
19 letters, Unit 20(E), that portion draining into the  
20 Yukon, all of that area and description in capital  
21 letters is to be deleted so that the regulations applying  
22 to that portion of 20(E) draining into the Yukon River  
23 would be incorporated into the regulation for the  
24 remainder of Unit 20(E).

25

26 So instead of having August 24 through  
27 August 28 and September 5 to September 25 resident  
28 seasons in that area, the seasons would be August  
29 24/August 28, September 8 to September 17. The basic  
30 change is that September season as I think Dan pointed  
31 out.

32

33 CHAIRMAN MIKE: Yeah, I think it will  
34 affect the Yukon-Charley River National Preserve.

35

36 MR. KRON: And the Fortymile also, BLM  
37 also.

38

39 MS. WAGGONER: Yeah, it will affect the  
40 Fortymile. But I was looking at the proposal that we  
41 just passed this morning for that area, to switch it from  
42 a spike-fork to one bull and the seasons are aligned  
43 other than -- well, the September season wouldn't be  
44 aligned -- would be the only thing but the regulations  
45 would then.

46

47 MR. LaPLANT: Yeah, if both the Federal  
48 one passed and this State proposal passed, the August  
49 season would be the same under both situations, August  
50 24th and September 28th [sic], what would be different

00190

1 would be the Federal season would begin earlier. I  
2 believe the Federal season begins on September 8th and  
3 the State season begins on September 17th -- no.

4

5 MR. WILDE: You're looking at the State.

6

7 MR. LaPLANT: Okay, the Federal season  
8 would begin on September 1st, the State begins September  
9 8th. So the Federal season would be a week longer, start  
10 a week earlier in September.

11

12 MR. HAYNES: On this portion. Yukon-  
13 Charley would be different.

14

15 MR. LaPLANT: Yukon-Charley looks like it  
16 goes straight on through, okay. But the State season  
17 would end on September 17th where the Federal season  
18 would end on September 15th. So there's a two day period  
19 where the State season would run a little bit longer than  
20 the Federal. And that currently exists so this wouldn't  
21 be new.

22

23 CHAIRMAN MIKE: Jim.

24

25 MR. WILDE: That's my hunting ground and  
26 the Federal season goes to the end of the month.

27

28 MR. LaPLANT: That's correct, and Yukon-  
29 Charley goes to the end of the month.

30

31 MS. ENTSMINGER: What do you want to do?

32

33 MR. WILDE: Leave it alone.

34

35 (Laughter)

36

37 MR. WILDE: This is State, that's all  
38 permit in there now.

39

40 CHAIRMAN MIKE: What is the wish of the  
41 Council on Proposal 18?

42

43 MS. WAGGONER: Go ahead.

44

45 CHAIRMAN MIKE: Jim.

46

47 MR. WILDE: The Central Game Advisory  
48 Committee opposed it so that's it.

49

50 CHAIRMAN MIKE: Are you suggesting the

00191

1 Council oppose this proposal also?

2

3 MR. WILDE: Yes.

4

5 CHAIRMAN MIKE: Thank you. Is that or do  
6 you have any other comments?

7

8 MR. WILDE: It's still going to -- it  
9 won't affect non-rural hunters, they have to get their  
10 permit and follow whatever the State does, it's just  
11 going to -- now, I'm getting -- it won't bother  
12 subsistence at all.

13

14 MR. LaPLANT: Correct.

15

16 MR. WILDE: It doesn't matter.

17

18 CHAIRMAN MIKE: Okay.

19

20 MR. WILDE: That's better.

21

22 CHAIRMAN MIKE: Dan next one.

23

24 MR. LaPLANT: I also suggest you look at  
25 71 and 72, these deal with bear harvest in the Yukon  
26 Flats.

27

28 CHAIRMAN MIKE: Tricia.

29

30 MS. WAGGONER: I'd like to, you know, if  
31 we want to discuss these, you know, Bob and Randy will be  
32 here tomorrow and these were developed through the Yukon  
33 Flats Moose Management Plan.

34

35 CHAIRMAN MIKE: Okay, Proposal 71 and 42  
36 [sic] we'll discuss tomorrow; is that what you want,  
37 Tricia.

38

39 MS. WAGGONER: Yeah.

40

41 CHAIRMAN MIKE: Okay.

42

43 MS. WAGGONER: I mean if we want to  
44 discuss it we can.

45

46 MR. LaPLANT: Some other ones here that I  
47 thought you probably would want to express an opinion on  
48 or want to, 121 and 122. These are Denali wolf issues.

49

50 CHAIRMAN MIKE: Tricia.

00192

1 MS. WAGGONER: Personally I am highly  
2 opposed to the buffer zone. There are traplines in  
3 there. There's been one part of it, there's been a  
4 trapline that's been there for almost a hundred years.  
5 And there's people that still trap there and they aren't  
6 the Toklat wolves and they aren't the Sanctuary Pack that  
7 they're trapping. And you know, it may not -- I keep  
8 looking -- no, it's not -- it's not Federal land here  
9 they're talking about, this buffer zone, it is State  
10 land, adjacent to the Park but they're trying to expand  
11 the Park and they're trying to limit, you know,  
12 subsistence activities, yes, on State land, but I think --  
13 I feel that in some way we should support that we don't  
14 keep expanding this no use area for trapping into  
15 traditional trapping areas.

16  
17 CHAIRMAN MIKE: I know the Denali  
18 Subsistence Resource Commission met last week, I was  
19 wondering if they had any comments on this particular  
20 proposal.

21  
22 MS. ENTSMINGER: Is Hollis here?

23  
24 CHAIRMAN MIKE: Yeah, Hollis.

25  
26 MR. TWITCHELL: Hollis Twitchell. I'm  
27 with the Denali National Park. The Denali Subsistence  
28 Resource Commission met last Friday in Cantwell. They  
29 reviewed this particular proposal even though it was  
30 outside of their preview or outside of their jurisdiction  
31 on adjacent State lands, they chose not to comment on  
32 this proposal this year. They had comments in on the  
33 proposal that was passed last year. The one proposal  
34 that asked for a buffer zone outside of the Park  
35 boundary. The Commission's position at that time was  
36 that they were reluctant to comment on proposals outside  
37 of their jurisdiction but in this case they went on  
38 record as opposing that buffer zone proposal and they  
39 identified a number of reasons for that. One, that it was  
40 not biologically necessary. That the wolf population is  
41 considered healthy. And also that the subsistence use in  
42 Park lands nearby, it was very minimal. Overall, Park  
43 subsistence harvest 1.4 wolves per year over the last  
44 decade. So they didn't see any reason for the proposal.  
45 The majority of the packs that were of concern, the East  
46 Fork Pack ranged inside of the old Mt. McKinley Park  
47 which is not open to any harvest and so they didn't see  
48 the merits in terms of that particular proposal.

49  
50 So essentially their position hasn't

00193

1 changed and they elected not to respond to this  
2 particular proposal.

3

4 MR. WILDE: Does that include 122 also,  
5 Hollis?

6

7 MR. TWITCHELL: We only presented  
8 Proposal 121 which asked for an increase from 90 square  
9 miles which was set aside by the Board of Game last year  
10 creating a buffer zone in an area that's known as the  
11 Stampede Corridor which closed that area to both State  
12 hunting and trapping. This particular proposal asks to  
13 increase that 90 square mile buffer zone to 500 square  
14 miles, which would wrap it around the eastern flanks of  
15 Denali in Unit 20(A) as well as 20(C).

16

17 MR. WILDE: Okay, thank you.

18

19 CHAIRMAN MIKE: Sue.

20

21 MS. ENTSMINGER: I totally agree with  
22 Tricia. You know, as a trapper, this is something that  
23 we hold near and dear to our hearts is to be able to go  
24 out and do the hunting and trapping for your lifestyle so  
25 I think that we should oppose these two proposals.

26

27 MR. UMPHENOUR: Is that a motion?

28

29 MS. ENTSMINGER: Sure, motion made.

30

31 MR. UMPHENOUR: Second.

32

33 CHAIRMAN MIKE: A motion has been made to  
34 oppose Board of Game Proposal 121 and 122 and seconded by  
35 Virgil.

36

37 MR. UMPHENOUR: Request unanimous  
38 consent.

39

40 CHAIRMAN MIKE: Unanimous consent  
41 requested. Any opposition? No opposition. Unanimous  
42 consent. Council comments. Tricia.

43

44 MS. WAGGONER: Is this a statewide  
45 proposal, Dan, 151?

46

47 MS. ENTSMINGER: What is it?

48

49 MR. LaPLANT: I'm not representing the  
50 proposals, I just thought I'd bring it to your attention,

00194

1 I'm not going to interpret it.

2

3 (Laughter)

4

5 MS. WAGGONER: Okay. Well, I was just  
6 asking if you knew if it was considered statewide.

7

8 CHAIRMAN MIKE: Terry, do you know,  
9 Proposal 151, which region it's addressing?

10

11 MR. HAYNES: Mr. Chairman, given the  
12 title, the section that's being covered, it looks like  
13 it's a statewide policy, it does not refer specifically  
14 to Interior Alaska game management units. So I would  
15 assume that it's speaking to statewide.

16

17 CHAIRMAN MIKE: Thank you.

18

19 MR. UMPHENOUR: This proposal's so vague,  
20 you can't understand what they really want.

21

22 MR. STEVENS: Exactly.

23

24 MS. ENTSMINGER: Yeah.

25

26 CHAIRMAN MIKE: Tricia.

27

28 MS. WAGGONER: I mean, it's vague but,  
29 you know, just knowing kind of history and background,  
30 you know, it's just another way to close more area for  
31 people to use. And, therefore, personally I would not be  
32 in support of it. I don't know -- I mean if somebody on  
33 the Council wants to make a motion, that's fine. I'm  
34 just going to put forth my personal opposition to it.

35

36 MR. UMPHENOUR: Well, I move to bring 152  
37 up, I want to talk about that.

38

39 MS. ENTSMINGER: You don't want to do  
40 anything on 151?

41

42 MR. UMPHENOUR: 151 is so stupid that you  
43 can't understand it.

44

45 (Laughter)

46

47 MS. WAGGONER: Is that a motion Virgil?

48

49 MS. ENTSMINGER: Is that a motion?

50

00195

1 MR. UMPHENOUR: We should recommend that  
2 they take no action because it's impossible to understand  
3 what the proposal wants.

4  
5 MS. ENTSMINGER: I'll second that.

6  
7 MS. WAGGONER: And I'll ask for unanimous  
8 consent.

9  
10 CHAIRMAN MIKE: Any opposition? Virgil  
11 requested 152.

12  
13 MR. UMPHENOUR: Right. What they want to  
14 do is ban all bear baiting in the Interior and black bear  
15 is what's baited and black bear is a very important  
16 subsistence food for a lot of people in the Interior.

17  
18 MS. ENTSMINGER: Is that a motion.

19  
20 MR. UMPHENOUR: Right. We should -- I  
21 move that we oppose Proposal 152 because black bear is an  
22 important subsistence food for a lot of the people in the  
23 Interior.

24  
25 MS. ENTSMINGER: Second it.

26  
27 MS. WAGGONER: I also agree with Virgil  
28 and Sue, in that we're trying to increase hunting  
29 opportunities of black bear through regulatory changes so  
30 I agree with not supporting this proposal.

31  
32 CHAIRMAN MIKE: There's currently a  
33 motion on the floor to oppose 152 and seconded. Tricia.

34  
35 MS. WAGGONER: Can I move we bring up  
36 153?

37  
38 CHAIRMAN MIKE: Did we reach a unanimous  
39 consent on 152?

40  
41 (Council nods affirmatively)

42  
43 CHAIRMAN MIKE: We did?

44  
45 (Council nods affirmatively)

46  
47 MS. ENTSMINGER: Uh-huh.

48  
49 CHAIRMAN MIKE: Okay, no opposition then.  
50 Which proposal?



00196

1 MS. WAGGONER: 153.

2

3 CHAIRMAN MIKE: 153.

4

5 MS. WAGGONER: You got this one.

6

7 MS. ENTSMINGER: We'll let you start on  
8 this one.

9

10 MR. UMPHENOUR: Well, this proposal is  
11 trying to direct the Department on how to spend its  
12 budget and I don't think they should be able to dictate  
13 how the Department -- the priorities that they spend  
14 their budget on, being the budget's been reduced by the  
15 legislature, they have a lot more important things to  
16 spend their money on so I think we should be opposed to  
17 this proposal because basically what they're wanting to  
18 do is have the Department do an evaluation of areas where  
19 people can all -- consumptive uses of game would be  
20 stopped and it would be just a place to go look at them,  
21 which the bunny huggers, most of them wouldn't see  
22 anything anyway.

23

24 Mr. Chair.

25

26 (Laughter)

27

28 MS. ENTSMINGER: Is that a motion?

29

30 MR. UMPHENOUR: Yeah, a motion to oppose  
31 it.

32

33 MS. WAGGONER: Second.

34

35 MR. WILDE: Second.

36

37 CHAIRMAN MIKE: Motion to oppose 153 and  
38 second.

39

40 MS. ENTSMINGER: Call for unanimous  
41 consent.

42

43 CHAIRMAN MIKE: Unanimous consent called,  
44 any opposition? No opposition to 153.

45

46 We'll recess for dinner and we'll have a  
47 work session at 7:00 o'clock.

48

49 (PROCEEDINGS TO BE CONTINUED)

50

00197

1 C E R T I F I C A T E

2

3 UNITED STATES OF AMERICA )

4 ) ss.

5 STATE OF ALASKA )

6

7 I, Joseph P. Kolasinski, Notary Public in and for the

8 State of Alaska and Owner of Computer Matrix, do hereby

9 certify:

10

11 THAT the foregoing pages numbered 60 through 196 contain a  
12 full, true and correct Transcript of the VOLUME II, EASTERN  
13 INTERIOR FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING,  
14 taken electronically by Salena Hile on the 26th day of February  
15 2002, beginning at the hour of 8:30 o'clock a.m. in Circle Hot  
16 Springs, Alaska;

17

18 THAT the transcript is a true and correct transcript  
19 requested to be transcribed and thereafter transcribed by under  
20 my direction and reduced to print to the best of our knowledge  
21 and ability;

22

23 THAT I am not an employee, attorney, or party interested  
24 in any way in this action.

25

26 DATED at Anchorage, Alaska, this 5th day of March 2002.

27

28

29

30

31

32

33

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 4/17/04 ☐